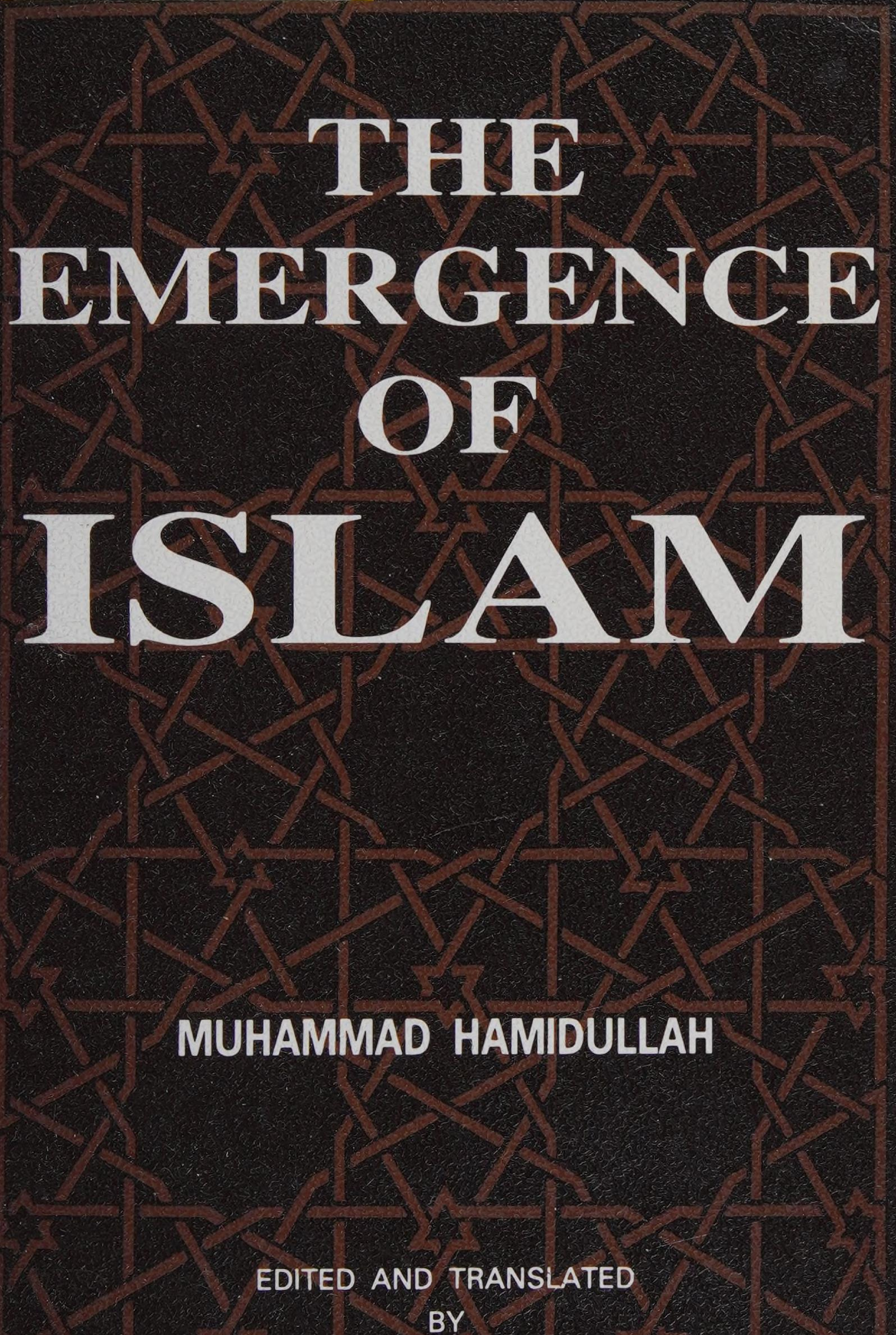
SCHOOL OF THEOLOGY AT CLAREMONT
10017045851



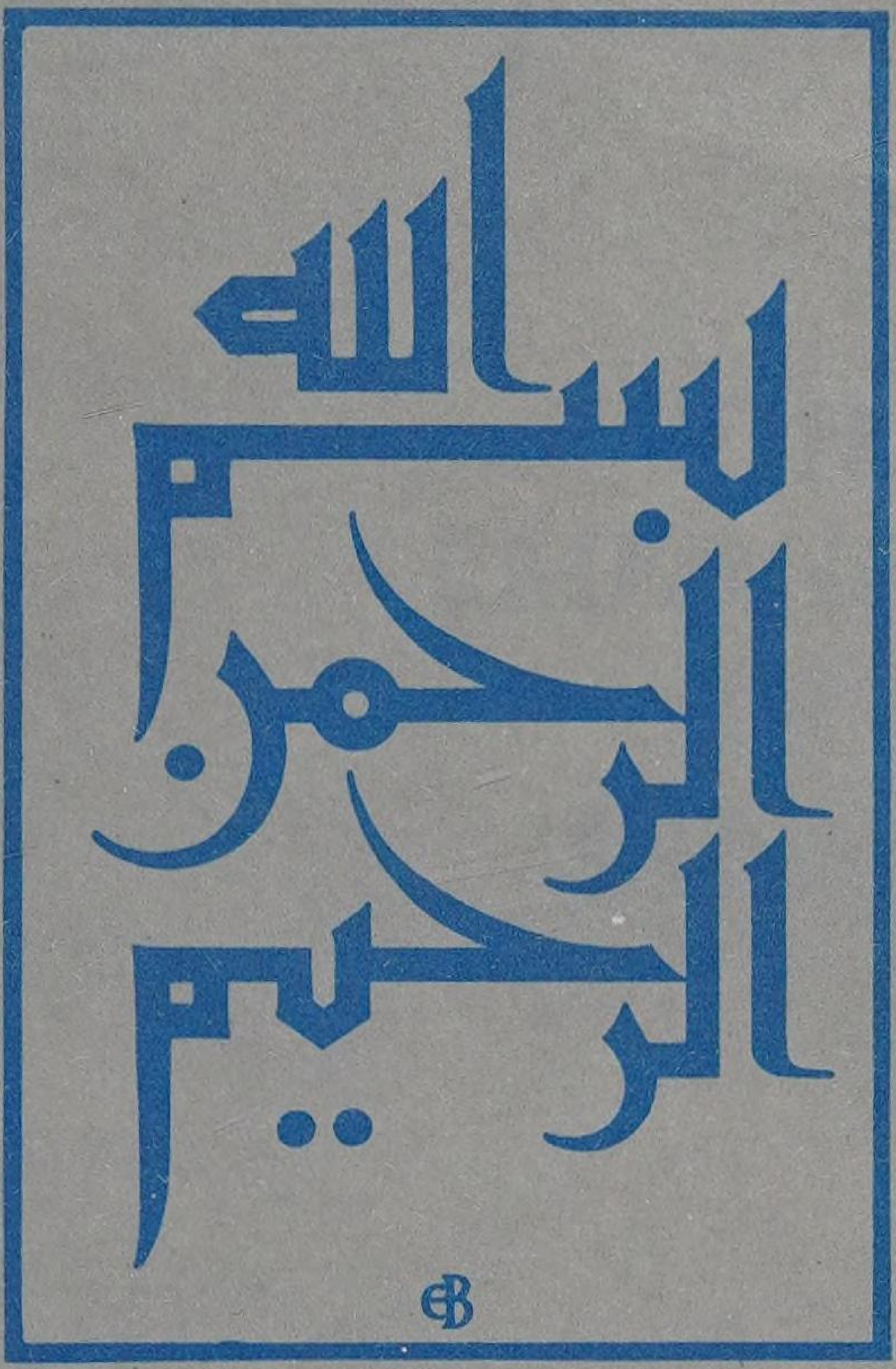
THE EMERGENCE OF ISLAM

MUHAMMAD HAMIDULLAH

EDITED AND TRANSLATED
BY
AFZAL IQBAL

The Library
of
Claremont
School of
Theology

1325 North College Avenue
Claremont, CA 91711-3199
(909) 447-2589


بسم الله الرحمن الرحيم

Digitized by the Internet Archive
in 2021 with funding from
Kahle/Austin Foundation

https://archive.org/details/emergenceofislam0000hami

THE
EMERGENCE
OF
ISLAM

BP
165
H276
1993

THE EMERGENCE OF ISLAM

5/

Lectures on the Development of Islamic World-View, Intellectual Tradition and Polity

Muhammad Hamidullah

Translated and edited
by
Afzal Iqbal

Islamic Research Institute
IN COLLABORATION WITH
DA'WAH ACADEMY
INTERNATIONAL ISLAMIC UNIVERSITY
ISLAMABAD

ISLAMIC RESEARCH INSTITUTE, ISLAMABAD

Publication No. 90

FIRST EDITION 1993

© All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording or any information retrieval system, without permission in writing from the publishers.

DR MUHAMMAD HAMIDULLAH LIBRARY
ISLAMIC RESEARCH INSTITUTE

Cataloguing in Publication Data

Hamidullah, Muhammad, 1908–
The Emergence of Islam / by Muhammad Hamidullah. Translated and edited by Afzal Iqbal.
(Islamic Research Institute. Publication No. 90)

Bibliography: pp. 269–273
Includes Index

1. Islam—Address, essays, lectures. I. Afzal Iqbal, 1919– . Translator and editor. II. Title III. Title: *Khuṭbāt-i Bahāwalpūr*. English. IV. Series.

ISBN 969–408–137–8 1st edition 1993 297 dc 20

Publisher and Printer
Islamic Research Institute P.O. Box No. 1035,
Islamabad, Pakistan.

PRICE
Rs. 150/-

CONTENTS

FOREWORD ix

PREFACE xiii

TRANSLITERATION TABLE xv

1. History of the Qur'ān 3

2. History of *Ḥadīth* 31

3. History of Jurisprudence 61

4. Jurisprudence and *Ijtihād* 83

5. International Law 105

6. Religion 125

7. State and Administration 151

8. Defence 171

9. Educational System 195

10. Law-Making and Judiciary 211

11. Revenue and Calendar 233

12. Propagation of Islam 251

BIBLIOGRAPHY 269

INDEX 275

CORRIGENDA 285

Foreword

The Emergence of Islam is an attempt to present, in clear and simple English, the contents of a series of twelve lectures delivered by Dr. Muhammad Hamidullah in March 1980 at Islamia University, Bahawalpur. The lectures, which were delivered without even the help of notes, are the result of a life-long study of, and reflections on, the early period of Islam by one of the best-known Muslim scholars of our time. In these lectures the learned author attempts to highlight the basic thrust of Islamic teachings and to outline the formative period of Islam's intellectual and institutional history. Drawing upon his vast reservoir of knowledge, Dr. Muhammad Hamidullah attempts to explain, in a manner that would make even a lay audience appreciate, the genesis and growth of Islamic thought, society and state, and of the institutions which were developed to translate Islamic norms into terms of practice.

Delivered in an easy-to-understand Urdu, and a style that is inimitably simple, informal and lucid, the lectures are strikingly free of academic jargon and pedantry. The author successfully attempts to convey a synthetic picture of Islam as it unfolded itself in the early period of its history — as a religion, as a community, as a state, as an intellectual tradition, and as a set of institutions which evolved under Islamic inspiration. Luckily, the lectures, which had a large audience who found the presentations very illuminating, were tape-recorded. This made it possible to have them transcribed and subsequently to publish them, presumably without the least editing, under the title *Khuṭbāt-i Bahāwalpūr* ("Bahawalpur Lectures"). A slightly revised edition of the *Lectures* was published in 1985 by the Islamic Research Institute. Since then, the *Lectures* have gone into several prints. The interest they generated and the appreciation they evoked are an index of the esteem in which Dr. Hamidullah's scholarship is held, especially in the South Asian Sub-continent.

With a view to make this scholarly work available to a larger body of international readership, the Islamic Research Institute decided to prepare and publish its English version. That the Institute should have taken up this task was in the fitness of things for a variety of reasons. The *Lectures* are, in the first place, a work of redoubtable academic value and that in itself is reason enough for their publication in a language of international importance such as English. At the same time, in addition to its being an honour to the Institute, the publication of this work also constitutes a token of the our appreciation for, and gratitude to, Dr. Hamidullah. For, apart from having an unmatched record of dedicated scholarship, he has also constantly supported and patronised this Institute. To mention merely one act of his generosity and support, about a decade ago Dr. Hamidullah graciously donated the entire amount of the Award which he received from the

Government of Pakistan for his distinguished scholarly contribution to *Sīrah* studies.

The Institute was singularly fortunate in having been able to persuade a person of such an established calibre and standing as Dr. Afzal Iqbal to prepare the English version of the work. The task which he undertook was simply stupendous. For, quite evidently, the readers of the English version were bound to be different from those of the original Urdu work. They were bound to differ in their intellectual background, in their taste, and in their sensibilities. All this is in addition to the fact that lectures delivered without having been committed to writing usually do not make a readable book. Thus some change in style and a degree of editing was considered necessary while preparing the English version because the expectations of readers of a book differ from those of the audience of a lecture, even more so when the book would be in a language other than the one in which the lectures were delivered. The task was rendered even more difficult because the lectures were followed by questions and answers which form part of the *Khuṭbāt*. The answers of the author doubtlessly provide very useful material for reading and reflection. However, as would seem natural, not every question was of equal interest and value, nor of equal relevance to the theme of the work.

It was decided, therefore, with the kind permission of the author, to bring out a version that would attempt to render the *Khuṭbāt* into English without necessarily trying to produce its literal translation. Thus, a good deal of discretion was exercised; or to put it differently, a degree of liberty was taken with the Urdu text. Among other things, it appeared desirable to reduce the size of the book so as to make it more readable. The draft, therefore, was tightened up at several places. At places some details were omitted. Some of the questions and answers were also omitted, and on one occasion or more, the answers given by the author were merged with the main body of the lectures. As one who has remained closely in touch with Dr. Afzal Iqbal during the course of this demanding work, I am a first-hand witness to the painstaking effort that he has made so as to make a valuable piece of scholarly work available to the readers of English. There can be no doubt that he deserves to be whole-heartedly applauded both for the skill and the speed with which he accomplished the task.

It seems necessary to place on record the debt of gratitude this Institute owes to several institutions and individuals in connection with this work. First of all, we would like to express our gratitude to Dr. Afzal Iqbal who worked extremely hard and did, in our view, a fine job of rendering this work into English. We also owe profound thanks to the International Islamic Association of Hong Kong and the International Institute of Islamic Thought, Islamabad who made substantial financial grants towards the preparation of the English version. The International Institute of Islamic Thought also provided their computer and printer facilities as well as the services of their technical staff which enabled us to have the manuscript composed for printing at a time when the Institute Press was under heavy pressure. Their assistance is gratefully acknowledged. We are also grateful to the Da`wah Academy of the International Islamic University who have joined hands with us in the publication of this work, and who have generously undertaken to have this work distributed across the world. To the Director General of the Dawah Academy, Dr. Mahmood Ahmad Ghazi, we are exceedingly thankful for his constant encouragement and his readiness to assist us in a variety of ways, specially for his enthusiastic willingness to promote this work.

Thanks are also due to Mr. Muhammad Naeem, Assistant Editor of *Islamic Studies*, who took great pains in editing and proof-reading this work. Mr. Amjad Mahmood assiduously fed the manuscript into the computer and, with remarkable patience, carried out editorial changes time and again. At the final stages, he was assisted by Mr. Rasib Khan, and, finally, by Mr. Tahir Farkhan Ahmad. The latter's experience in book-composing proved to be of great value. Mr. Zafar Ali, the Manager of Islamic Research Institute Press, took keen personal interest in producing an elegant book. Dr. Muhammad Tufail, Assistant Professor in the Islamic Research Institute, kindly prepared the index of the book. Dr. M. Khalid Mas`ud, Professor in the Institute, like ever, provided much valuable help. To all of them we owe our sincere thanks. Dr. M. Idris Zubair, Assistant Professor, International Islamic University, Islamabad also rendered valuable service in the stages of the publication of the work.

The last, but not the least, is the author, Dr. M. Hamidullah, to whom we are immensely grateful. He allowed us to bring out this English version. Moreover, as ever before, he showed absolute unwillingness to accept any material benefit in return for his generous permission to publish this work. He seems more than content — as would only a selfless and pious Muslim scholar of his standing — with the valuable contribution that he has made to the dissemination of the truth and with the reward which he expects from God in the Hereafter.

May God bless him.

Islamabad　　　　Zafar Ishaq Ansari

Ramaḍān 1413
March 1993

at a time when the Institute Press was under heavy pressure. Their assistance is gratefully acknowledged. We are also grateful to the Da'wah Academy of the International Islamic University who have joined hands with us in the publication of this work, and who have generously undertaken to have this work distributed across the world. To the Director General of the Da'wah Academy, Dr. Mahmood Ahmad Ghazi, we are exceedingly thankful for his constant encouragement and his readiness to assist us in a variety of ways, specially for his enthusiastic willingness to promote this work.

Thanks are also due to Mr. Mohammad Waseem, Assistant Editor of *Islamic Studies*, who took great pains in editing and proof-reading this work. Mr. Amjad Mahmood assiduously fed the manuscript into the computer and with remarkable patience incorporated countless changes time and again. At the final stages, he was assisted by Mr. Kirsh Khan, and, finally, by Mr. Tahir Pachian Ahmed. The latter's experience in book composing proved to be of great value. Mr. Zafar Ali, the Manager of Islamic Research Institute Press, took keen personal interest in producing an elegant book. Dr. Muhammad Tufail, Assistant Professor in the Islamic Research Institute, kindly prepared the index of the book. Dr. M. Khalid Masud, Professor in the Institute, has ever provided me with valuable help. To all of them we owe our sincere thanks. Dr. M. Idris Zubair, Assistant Professor, International Islamic University, Islamabad also rendered valuable service in the stages of the publication of the work.

The last, but not the least, is the author, Dr. M. Hamidullah, to whom we are immensely grateful. He allowed us to bring out the English version. Moreover, as ever before, he showed absolute unwillingness to accept any material benefit in return for his generous permission to publish this work. It seems more than certain — as would only a selfless and pious Muslim scholar of his standing — with the valuable contribution he has made to the dissemination of the truth and with the reward which he expects from God in the Hereafter.

May God bless him.

Islamabad Zafar Ishaq Ansari
Ramadān 1413
March 1993

Preface

I am no translator. The only translation I ever attempted was from French into Urdu. It took me years to translate Albert Camus' slim novel *L'Etranger*. I do not know why Dr. Zafar Ishaq Ansari of Islamic Research Institute asked me to translate a bulky volume in Urdu into English and set me a time limit of three months. It was a mad assignment. I undertook it in a weak moment in the Ramadān of 1992. The result was daily work from four in the morning to one o'clock in the afternoon. The first draft was delivered on time. But meeting the dead line was merely a beginning. The manuscript has since been revised twice and the coming months will hopefully see the culmination of a work which was entrusted to a novice whose main qualification was enthusiasm.

Dr. Muhammad Hamidullah delivered twelve lectures in Urdu at the Islamia University, Bahawalpur in 1980. The extempore discourses were published verbatim in Urdu together with questions and answers after every lecture. The second edition of the *Lectures* came out in 1985. The work has made a mark of its own on Urdu readers who are indeed indebted to the author for his erudition and lucid exposition of a subject which is of universal interest. Its rendering into English is designed to make the result of profound scholarship available to a much larger audience which should be able now to avail itself of the significant contribution made by an eminent scholar to modern Islamic studies.

The Urdu work was simply called *Bahāwalpūr Lectures*. We have summed up the subject in the title of the book which we have chosen to call *The Emergence of Islam*. The work has been divided into two parts comprising six chapters each. Part I basically deals with the historical perspective while Part II is concerned with the society set up by the Prophet (peace be upon him) and gives a glimpse of the institutions created to deal with the new order.

In trying to strengthen the thematic unity of the work we have taken the liberty of eliminating questions considered not centrally relevant to the subjects of different lectures. Dr. Hamidullah was gracious enough to give a reply to every question but all queries were not equally relevant or significant. In view of their significance, some of the replies have been incorporated in the main lectures while a few others have been omitted. We realise that we have gone beyond the province of a translator. In assuming the added function of an editor, however, we believe we have been able to make the presentation a little more coherent. All our trespasses will hopefully be forgiven if only we have been able to produce a readable book. Considering that this is our first attempt at translating a major Urdu work into English, we hope the reader will be indulgent and the author not too angry at our maiden effort in communicating the core of his message to mankind. The author inspired us to undertake a difficult task. We have tried, in our own humble way, to convey his ideas to the English reading public which needs a lucid and authentic introduction to Islam, a polity that has been subjected to deliberate distortion and misrepresentation.

This work could not have been completed without the help of Dr. Zafar Ishaq Ansari, Director General, Islamic Research Institute, International Islamic University, who gave us guidance, cooperation and all possible secretarial assistance. We are indeed grateful to him and his staff, particularly Mr. Amjad Mahmood, his Private Secretary, who produced a number of typescripts.

Afzal Iqbal

Rawalpindi
1 January, 1993.

TRANSLITERATION TABLE

ا	a	ذ	dh	ف	f
ب	b	ر	r	ق	q
پ	p	ڑ	ṛ	ک	k
ت	t	ز	z	گ	g
ٹ	t̲	ژ	z̲	ل	l
ث	th	س	s	م	m
ج	j	ش	sh	ن	n
چ	ch	ص	ṣ	ں	ṇ
ح	ḥ	ض	ḍ	و	w/v
خ	kh	ط	ṭ	ه	h
د	d	ظ	ẓ	ی	y
ڈ	d̲	غ	gh		

LONG VOWELS

ا ـَ ا	ā	
ی ـِ	ī	
و ـُ	ū	
و	ō	*(kō, dō)*
ے	ē	*(kē, sē)*

SHORT VOWELS

ـَ	a
ـِ	i
ـُ	u

DIPHTHONGS

ـَ و	aw	Arabic *(mawlānā)*
	au	Persian/Urdu *(nau, naukar)*
ـَ ی	ay	*(shaykh)*
ـَ ے	ai	*(main, kaisē, maidān, nairang)*

DOUBLED

ـُ وّ	uwwa
ـِ یّ	iyya

The letter ء is translitered as a super-script comma and is not expressed when at the beginning *(adab, ṭā'ir, thanā').*

The letter ع is transliterated as a super-script inverted comma *('ilm, ma'lūm).*

ـة is transliterated as *ah* in pause form and *at* in construct form *(tā marbūṭah, sunnat al-Rusūl, Sunnah).*

ال *(al)* is transliterated as *al-* in all forms.

و as a Persian/Urdu conjunction, is transliterated as *-o (naẓm-o ḍabṭ).*

Short vowel ـِ, when used in Persian/Urdu possessive or adjectival form, is transliterated as *-i (Bāl-i Jibrīl, Rasūl-i Karīm).*

PART ONE

HISTORICAL PERSPECTIVE

ONE

HISTORY OF THE QUR'ĀN

THE EARLIER PROPHETS AND THEIR BOOKS

There is a tradition in the *Musnad* of Aḥmad ibn Ḥanbal that the Holy Prophet (peace be upon him) said: "From Adam to me Allah sent a hundred and twenty-four thousand Prophets of whom three hundred and fifteen were entrusted with a Book." The names of all these Prophets to whom scriptures were revealed are not mentioned either in the Qur'ān or in the *Ḥadīth*. It is not possible for us, therefore, to provide details about them. We come across a few references to the books revealed to Adam, the first Prophet. Unfortunately, however, we are not aware of the language in which they were revealed nor do we have any idea of their contents.

Adam's son, Shīth (peace be upon him) was also a Prophet. A few scriptures, it is suggested in some accounts, were revealed to him. But they, too, are not extant. Parts of a book attributed to Idrīs (peace be upon him), one of the earliest Prophets, have been found only recently. A few scrolls have been discovered in some caves near the Dead Sea in Palestine. A scripture among these scrolls is attributed to Enoch (in Arabic, Akhnūkh) who is none else than Prophet Idrīs (peace be upon him). Recently a few translations of this book into English have been published. Even though there is no definitive and irrefutable proof, yet the research done so far suggests that this book could be called the scripture of the most ancient Prophet. The book contains a prophecy about the last Prophet which is also incorporated in the "Letters of Jehovah" in the New Testament.

After Idrīs (peace be upon him) we come across a few allusions to Noah. There is a small sect called Sabaeans in Iraq. Sabaeans have a religion of their own. They claim to be followers of Noah and his religion. According to them they once possessed Noah's entire Book which is now extinct and they are left with no more than four or five lines which deal with morality. Noah is followed by another Prophet whose book is mentioned in the Qur'ān. He was Abraham (peace be upon him). Twice the Qur'ān refers to "the Books of Abraham and Moses" (53:36—37 and 87:19). The contents of Abraham's

Book are not found in the Jewish and Christian literature, but have been briefly mentioned in the Qur'ān.

NON-QUR'ĀNIC PROPHETS

Besides these Prophets there are other individuals who have not been accorded the status of a Prophet in clear terms in scriptures, still the possibility that they were Prophets cannot be dismissed altogether. One of them is Zoroaster. The Parsis acclaim him as their Prophet, and it is possible because the Qur'ān mentions Magians (22:17) whose religion is based on Avesta, a book revealed to Zoroaster.

If we were to compare the teachings of Avesta, as known to us, with those of the Qur'ān, we shall have some idea of the intrinsic superiority of the latter. Avesta was written in the contemporary language called Zand. After the conquest of Iran, the language of the new rulers gained currency and the old tongue became archaic with the result that except for a few specialists no one remained familiar with Zand. That is why the scholars of Zoroastrianism summarized, and wrote commentaries on, Avesta in the new language called Pazand. Only about one-tenth of this version of Avesta is available to us, the rest has disappeared. It comprises some details about prayers and a few commandments.

In any case, an ancient religious book is known to us as Avesta even though it has not come down to us in its entirety. The Avesta, among other things, contains the following statement of Zoroaster: "I have not perfected the religion. Another Prophet will come after me and he will perfect this religion; his name will be 'Mercy for the entire universe'". This reminds one of the Qur'ānic verses in which Muḥammad (peace be upon him) has been so called (See Qur'ān 21:107).

In India, too, some religious scriptures are to be found. Hindus believe them to be revealed by God. Among these holy books are the Vedas, the Puranas, the Upanishads and others. It is difficult to determine whether they were all revealed to a single Prophet. It is possible that they were revealed to various Prophets (provided they were Prophets). In these books, too, particularly the Puranas, we come across a few interesting allusions. Purana is the same word as is still used in Urdu in the sense of ancient. In the Qur'ān, we come across a significant reference: "And lo, it is in the Scriptures of the men of old" (26:196). There are ten Puranas. In one of them it is mentioned that in the final epoch a man will be born in a desert. His mother's name will be "Reliable" (Āminah?) and his father's name will be the "slave of God" ('Abd Allāh?). He will be obliged to move north from his country and settle there. He will then conquer his own country with the help of ten thousand men several-fold.* In the battle his chariot will be drawn by camels and they will be so swift that they will soar to the skies.**

From these statements in the Puranas, it is possible to infer that they refer to the coming of the Holy Prophet (peace be upon him).

In addition to these ancient books, there are others with which Muslims are quite familiar, i.e. the Torah, the Zabūr (Psalms) and the Evangel. The Book revealed to Moses (peace be upon him) is generally referred to as the Torah, but in fact the Torah is only part of the Book revealed to him. The word *torah* means law. The Jews attribute five books to Moses. The first is called the "Book of Genesis", the second is "Exodus", which deals with the exodus from Egypt; the third is "Law"; the fourth is called "Numbers", because Moses had ordered a census of Jews based on their distribution into various tribes; and the fifth is called "Deuteronomy", which means retelling of old accounts, their updating and elaboration.

HISTORY OF EARLIER SCRIPTURES

In the beginning, the fifth book was not extant among the Jews. It was six hundred years after Moses, and during the time of war, that a man brought a book to the then Jewish ruler and said that he had found it in a cave. He did not know what exactly it was but the book contained some religious commandments. The king sent the manuscript to a Prophetess of his time. The Jews had women Prophets (at least they make a claim to that effect). Huldah, a Prophetess according to the Jewish tradition, remarked that the manuscript was indeed a book of Moses (peace be upon him). Six hundred years after his death the book began to be attributed to Moses. It was called "Deuteronomy" because it contains a summary of some of the commandments of the earlier four books with the addition of a few more. In any case, the sum total of all the five books is that the Jews conquered part of Palestine during the time of the Prophets who came after Moses and established their rule there.

---

*The figure cited here is a literal translation of the text and hence looks awkward. It probably refers to the number of people in the Farewell Pilgrimage i.e. the Prophet's last Pilgrimage. Ed.

**Probably this refers to the ascension of the Prophet (peace be upon him).

A little later Nebuchadnezzar, the ruler of Iraq, invaded Palestine. Since his religion was different from that of the Jews, he not only conquered their country but proceeded to destroy the religion of his enemy. He collected all manuscripts of the Torah and set fire to them. Not a single copy survived. According to Jewish historians, a hundred years after this event, one of their Prophets called Esdra (he was probably 'Uzayr) claimed that he remembered the Torah by heart. He dictated the book from memory. Some time after the revival of the Torah in this manner the Romans invaded Palestine under the command of Antiochus who repeated the performance of Nebuchadnezzar and set fire to the Jewish scriptures which were thus destroyed for the second time.

A little later another Roman ruler sent an expedition under the command of Titus who set fire for the third time to all available Jewish scriptures in Palestine. What we have now by the name of Torah is only a part of the Old Testament in which five books are attributed to Moses (peace be upon him). These books are the revived remnants of the original which was burnt three or four times. How and by whom they were revived is not known.

The reader of these books is confronted with two problems. At occasions he comes across portions which are obviously later accretions; at other times he feels that a link is missing and a statement remains incomplete. The additions are of such a nature as bring out a clear contradiction. Books attributed to Moses contain events which occurred after his death. In Deuteronomy, for example, the last chapter deals with the illness, death and burial of Moses (peace be upon him) in addition to other subsequent events. Obviously, this portion is a later addition. Every reader can see such contradictions for himself. There must be many more which are not so obvious. One also misses quite a few things in the narrative. For example, one comes across, at least twenty times, phrases to the effect "you will find details about this commandment in such and such a chapter." One of the chapters referred to is called the "Battles of God," another is entitled "The Book of Sincere and Pious People." These chapters are simply not there. They do not exist. This is what happened to the Torah which has emerged from the vicissitudes of history and is available to us in translation in most of the languages of the modern world.

Muslims usually mention Psalms or the Zabūr after the Torah. Zabūr is also considered an independent scripture like the Torah and the Bible. But the Psalms attributed to David in the Old Testament comprise poems of praise of

God and do not contain any new commandments. The Muslims' concept of a Prophet is that he brings a new law but there is no new commandment in the Psalms. However, like other ancient books (from that of Idrīs to Avesta), the Psalms also contain a prophecy about the coming of the last Prophet. Besides, it repeats the same story as the Torah — which shows how things were added to or omitted from it for one reason or the other.

THE FOUR GOSPELS

Muslims generally believe that *Injīl* (Evgangel, Gospel) was an independent book which was revealed to Jesus (peace be upon him). But the scripture which has reached us through Christian sources comprises not one but four Gospels viz. those of Matthew, Mark, Luke and John. Every Gospel is attributed to a different individual. And these four books do not complete the *Injīl*. According to Christian historians, there were more than seventy Gospels. Most of them were discarded as being of dubious nature and only four were considered reliable.

On reading them, however, one discovers that they are biographies of Jesus and not the revealed word of God to a Prophet. Four persons in succession wrote biographies of Jesus and each called it a Gospel. The Arabic word *Injīl* means good tidings. The reason why the word was used as a title is found in the life history of Jesus as given in the book. Jesus would generally repair to a village and proclaim to its people: "I give you good tidings that the Kingdom of God is at hand." This is probably why the book was given this name. If it was revealed to Jesus, he did not dictate it to anyone and the book does not, therefore, exist in the world today.

The Gospels which are now extant owe their existence to many an author who wrote biographies of Jesus Christ in different periods of history. Every author gave them the title of Gospel. Of these, the Church considered four as reliable and rejected the rest. Nobody knows by whom, when, and how the four Gospels were selected, nor are we aware of the criteria which were used in their selection. Voltaire, the famous French historian, has suggested that the Church once thought that from the seventy odd gospels whose contents were contradictory, only the reliable ones should be selected. The method employed for such a selection was that all the Gospels were placed on a table near the altar in the Church. The table was then shaken. The books which fell down were considered unreliable and those that remained on the table, despite the shake-up, were acclaimed as authentic. This is Voltaire's statement. It is difficult for us to explain the basis on which he made it. It is obvious, however, that the Christians reject this statement and consider its author a liar and a scoundrel. In any case, there is complete consensus on the conclusion that a book, if one was ever dictated by Jesus, does not exist in the world today. What we have by the name of *Injīl* is only a collection of biographies. We can call it the "Life of Jesus", like the biographies of the Prophet (peace be upon him) written by Muslim scholars.

Sometimes one wonders why Jesus (peace be upon him) did not dictate the commandments revealed to him. Perhaps the reason is that he knew the fate that had overtaken the Torah revealed to Moses (peace be upon him), his predecessor. The enemies invaded the country and desecrated the book. Time and again they set it on fire and destroyed it. Jesus, fearing a similar fate, might have thought it prudent to rely on the memory of his pious followers who, he thought, would pass on the message, in any case, to the next generation. This is perhaps the reason why he desisted from preserving the Divine revelation in the form of a written book.

God is possessed of eternal knowledge. He cannot possibly give one command to Adam (for example, worship One True God alone) and another, completely contradicting the first, to a later Prophet. It is possible, however, that one Prophet is given a set of commandments, and another who follows, is given the same commandments with a few additions. Had the books revealed to Adam remained intact, there would presumably have been no need for God to send new books, for the original one would remain valid. But we have seen in this brief study that none of the books revealed to ancient Prophets has reached us in its entirety. That is why God willed that a book containing all the commandments should be made available to man and that its authenticity should be preserved for all times to come. Such a book is the Qur'ān.

THE PRESERVATION OF THE QUR'ĀN

Now we shall examine how the Qur'ān has reached us intact. In the first place, I should say a few words about its language — Arabic. Why was Arabic chosen as the language of the Book revealed to the last Prophet (peace be upon him)? It is an established fact that languages gradually change. Look at Urdu, for example. It is with great difficulty that we are able to understand a book written in Urdu some five hundred years ago. This is true of all languages of the world. In English, Chaucer, who lived some five or six hundred years ago, can be understood today by a few learned scholars only. This is also true of all other old and new languages. They change and slowly become archaic.

Had God's last message been revealed in a language subject to similar change, it would have become necessary for Him to give us yet another book in the twentieth century so that we could understand it. Like other books of yore, this one, too, would have become incomprehensible. If any language in the world is exempt from the law of change, it is Arabic. It is a verifiable fact that the Arabic that we hear on radio or read in the press today is the same as that of the days of the Prophet (peace be upon him) i.e. in the language of the Qur'ān and the *Ḥadīth*. There is no difference between the two by way of meaning of words, grammar, spelling or pronunciation. Had the Holy Prophet (peace be upon him) been amidst us today and were I to speak to him in the contemporary Arabic idiom, he would be able to understand every word of my submission. Were the Prophet (peace be upon him) to respond to me I would be able fully to understand every word of his speech. There is no difference between the two languages — the Arabic of today and the Arabic of yesterday. From this we conclude that the Book revealed to the last Prophet (peace be upon him) had to be in a language that was not subject to change. That is why the choice fell on Arabic. In addition to other characteristics such as eloquence, fluency, melody, etc., Arabic has a quality which we can all witness for ourselves. And that is the unchangeable character of the Arabic language. For this we should be grateful to the Arabs who have not adopted different dialects as their language. Their language of literature and education is the same today as was current in the days of the Prophet (peace be upon him).

To mention another noteworthy feature, the Qur'ān was not revealed in one piece. The Jews believe that God gave all the Tablets to Moses (peace be upon him) at one time. The Qur'ān, on the contrary, was revealed gradually over a period of twenty-three years. It is the sum total of the revelation which came down in parts. It started in December 609 when the Prophet (peace be upon him) had retired to the Cave of Ḥirā'. It was there that Gabriel appeared with the Divine command. The message was truly effective. The Prophet (peace be upon him) did not know how to read and write. The first command given to an unlettered person was to "read", and then followed the verse in praise of the pen. Why was the pen praised after the command to read? Simply because it is through the pen that God discloses to man that which he knows not. (See the Qur'ān 96:1—5). In other words, pen alone is the repository of human civilization and culture. It exists in order to preserve the past knowledge. Those who follow, add to it. This is the secret of the evolution of human civilization, and this is the reason why man is superior to other animals. A crow still makes the same nest as he did two million years ago. It has not made any progress. But man has reached the moon. His progress has been so spectacular that today he seems to hold sway over the universe.

All this progress has been possible because the experience and knowledge of the past was preserved and man continued to add his own experience to the vast store of knowledge from which he benefits constantly. And all this is owing to the pen. The Qur'ān has beautifully referred to this phenomenon: "Who taught by the pen, taught man that which he knew not" (96: 4-5).

When the first five verses of this chapter *al-'Alaq* were revealed to the Prophet (peace be upon him) in the cave, he returned home and told his wife Khadījah about the incident. He was scared and apprehensive. Khadījah reassured him that God would not waste him away. Her cousin, Waraqah ibn Nawfal, was familiar with such spiritual phenomena as angels, revelation, and the like. She suggested that they discuss the event the coming day with him to seek his advice. Meanwhile Khadījah who did not know much about these things, was confident that Satan would never be able to deceive her husband. According to one tradition, she took the Prophet (peace be upon him) to Waraqah ibn Nawfal the next morning.

Another tradition suggests that the Prophet (peace be upon him) mentioned the matter to his close confidant and companion, Abū Bakr, and requested him to arrange a meeting with Waraqah. A Christian by religion, Waraqah ibn Nawfal was very old at the time, and had lost his eyesight. When the Prophet (peace be upon him) saw him and narrated the incident, Waraqah burst forth without any hesitation: "O Muḥammad! If what you have just narrated is correct, your *nāmūs* resembles that of Moses (peace be upon him)." The word *nāmūs* is used for honour in Urdu. Obviously, this is not the sense of Waraqah's statement. Some commentators suggest that the word means "reliable" or "trustworthy." This too is not applicable to the context. Some scholars have suggested that *nāmūs* was the name given to Gabriel. But even this meaning is not relevant. In Islamic literature, Gabriel is referred to as the Trustworthy Soul, *al-Rūḥ al-Amīn* (26:193). I think that *nāmūs*, originally an alien word, was Arabicised. It is the Greek word *Nomos*. In the

Greek language, the Torah is called *Nomos* i.e. Law. In other words, Waraqah ibn Nawfal stated that what he had heard from the Prophet (peace be upon him) resembled the Torah of Moses and this meaning seems to be most relevant and reasonable.

The oldest reference to the publication and propagation of the Qur'ān is found in Ibn Isḥāq's book *al-Maghāzī*. The book had been lost to posterity, but parts of it have been recovered recently and have been published by the Government of Morocco. It contains a brief but an extremely interesting tradition covering a line and a half. We do not know why Ibn Hishām inadvertently missed this statement in his biography of the Prophet (peace be upon him). The statement is as follows: "Whenever the text of the Qur'ān was revealed to the Prophet (peace be upon him) he would first of all recite it in the assembly of men. Later on he would repeat the same text in the special assembly of women."

This is an important event in the history of Islam. It establishes that the Prophet (peace be upon him) was as much concerned with the education of women as he was with the instruction of men. This is the oldest available reference to the propagation of the Qur'ān. What happened after this is difficult to determine. From the very beginning of the Prophet's career we come across something unfamiliar i.e. the writing down of the Qur'ān and possibly committing it to memory. On the occasion of the first revelation, namely the first five verses of *al-'Alaq*, Gabriel imparted two lessons to the Prophet (peace be upon him). First, he taught him how to purify the body before beginning his prayers. He instructed him about the details of ablution and purification after answering the call of nature. Second, he taught him how to perform the prayer. Gabriel assumed the position of the *imām* and the Prophet (peace be upon him) assumed the role of a follower standing behind him, watching every movement and following his various postures during the prayer i.e. standing, bending and prostrating himself. It is obvious that verses of the Qur'ān are recited during prayers. Therefore, the Prophet (peace be upon him) must have asked his followers during the very early period to memorize the Qur'ān and repeat the verses constantly in the daily prayers.

Committing the Qur'ān to memory and writing it down started right from the beginning. It takes some time to memorize a new text but the exercise becomes easier if it is written. In other words, committing the Qur'ān to memory and writing it down began simultaneously. Muslim historians state that whenever a revelation was received, the Prophet (peace be upon him) summoned one of his literate Companions and dictated the text to him. Immediately after dictation he would ask the scribe to read out what he had taken down. The idea was to ensure perfect accuracy.

COMPILATION OF THE QUR'ĀN

This, then, was the beginning of the compilation of the Qur'ān. It was the custom of the Prophet (peace be upon him) that immediately after dictating he would ask his Companions to memorize the text, and repeat it daily during the two prayers — at that time only two prayers were ordained. It was only after the Ascension that five prayers became obligatory and people began to repeat the verses of the Qur'ān five times during their daily prayers. A practical benefit that accrued from this was that a man with a weak memory, who was likely to forget the verses reciting them only twice would preserve them in his memory, reciting them five times a day.

Indeed, it was the Prophet (peace be upon him) who, for the first time, ordered the memorizing, together with the writing, of the scripture, i.e. the Qur'ān. Before him, we do not come across a similar example in the entire history of the chain of the Prophets. He took care of even a more serious problem. Suppose for a moment that we have a manuscript which, for some reason, has some textual mistakes. Our memorized version would also carry the same errors. How, then, do we set about to correct the mistakes? The Prophet (peace be upon him) attended to this problem also. He ordered that every Muslim should learn the Qur'ān from a reliable teacher. And who could be more reliable than the Prophet (peace be upon him) himself?

Every Muslim was asked, therefore, to learn to read the Qur'ān from the Prophet (peace be upon him). If he had a manuscript he was required to read from it in the presence of the Prophet (peace be upon him). When he had certified that the manuscript was correct it was committed to memory. When the number of Muslims increased it was obviously not possible for one person to teach all the people. The Prophet (peace be upon him), therefore, directed a few Companions, in whose knowledge of the subject he had full confidence, to help him in his task.

This was a group of teachers whose ability to impart the requisite knowledge was personally certified by the Prophet (peace be upon him). This process continues unabated. If someone learns to read the Qur'ān from a teacher the diploma, that he gets after the completion of his studies, contains the following certificate from the teacher: "I have taught so and so, the reading of the words of the Holy Qur'ān in accordance with the rules of its recitation followed faithfully by my own teacher who assured me that his teacher had also taught him in the same way." The last link in the chain is the Prophet (peace be upon him) himself and the rules set by him are still followed in the world of Islam.

Except for the Islamic tradition, no nation in the world has ever devised such principles for the preservation of their religious book. Principles of compilation of the Holy Qur'ān were evolved during the time of the Prophet (peace be upon him). But this is not all. Another requirement had to be fulfilled from the very beginning. Before I dilate on it, let me tell you something about the manuscripts of the Holy Qur'ān.

It was probably the fifth year of prophethood when ‘Umar embraced Islam. At that time he was known to be a mortal enemy of the Prophet (peace be upon him). He left his house, one day, fully determined to assassinate him. On the way he came across one of his relatives who had secretly embraced Islam. He asked ‘Umar where was he going fully armed. Since he was a relative ‘Umar took him into confidence and disclosed that he was going (God forbid) to finish Muḥammad (peace be upon him) who, he said, had created confusion in the ranks of the community. The relative warned that before plunging his tribe into a war with Banū Hāshim ‘Umar should go back home and deal with his own sister Fāṭimah and her husband who had already embraced Islam. "Before setting out to reform the world", said the relative, "you better start with your house!" ‘Umar was taken completely by surprise. He went straight to the house of his sister. Near the door he heard a voice as if someone was singing or reciting something melodiously. He knocked violently at the door. The harsh exchange he had with his sister and brother-in-law is well known. In brief, ‘Umar prevailed upon them to show him the text they were reading. They asked him to take a bath. ‘Umar complied. They then produced the text they were reading. This comprised a few verses of the Qur'ān. ‘Umar was overwhelmed as he read them. He embraced Islam.

I mention this incident to suggest that at least a few chapters from the Qur'ān were already preserved in writing as early as the fifth year of prophethood, and this was well before migration to Madinah. After this we come across another manuscript. This incident probably relates to the second Covenant of ‘Aqabah. A few people came from Madinah and embraced Islam at the hands of the Prophet (peace be upon him). Of these, historians have explicitly written about a member of the tribe of Banū Zurayq, to whom the Prophet (peace be upon him) gave a complete copy of the Qur'ān revealed until then. The Companion, after returning to Madinah, used to recite it in a loud voice to his tribesmen in the local mosque. This is the second reference to the compilation of the Qur'ān in the form of a manuscript, which has been narrated in detail by historians.

COMPILATION OF THE QUR'ĀN IN THE PROPHET'S TIME

The first step taken by the Prophet (peace be upon him) for the preservation of the Qur'ān was the order that the Qur'ān should be learned from an authorized teacher; the second was to preserve it in writing so that one could refresh one's memory in case one forgot; and the third was to commit the Qur'ān to memory. A difficulty arose in carrying out the three directives in that the entire Qur'ān, as we have already pointed out, was not revealed at one time. It was revealed gradually over a period of twenty-three years. And the Prophet (peace be upon him) did not compile it mechanically in the chronological order of revelation. It was compiled under the direction of revelation and Prophetic wisdom. The first five verses of the *sūrah al-'Alaq*, are the first in order of revelation but they appear in the ninety-sixth chapter (the total number of the Qur'ānic chapters being 114). The chapters which appear in the beginning of the Qur'ān were revealed in Madinah after the Migration. In other words, the Qur'ān was not compiled in chronological order but followed another pattern.

A few difficulties could arise on this score. For example, a chapter which is revealed today is assigned a particular place by the Prophet (peace be upon him). Another is revealed the next day and the Prophet (peace be upon him) directs that it should be written before or after a particular chapter.

It was necessary, therefore, to conduct periodical checks on this account. We come across instances of correction and revision of personal manuscripts after the Migration. There is a tradition that the Prophet (peace be upon him) used to repeat aloud the whole Qur'ān, (i.e. revealed till that year), during the month of Ramaḍān. The Companions who could read and write would bring along their personal manuscripts and would compare them with the recited version of the Prophet (peace be upon him) so that they could correct the mistakes in the text, if any, and check the proper order of the chapters. This practice was called *'arḍah*, which means presentation. Historians (Imām Bukhārī, for example), have clearly recorded that in the last year of his life, a few months before his death, the Prophet (peace be upon him) read out the complete text of the Qur'ān twice during the month of Ramaḍān. He declared that his end was approaching and that he had been directed by Gabriel to recite the Qur'ān twice so that people could correct mistakes of writing, if any. This is how the last Divine message given to the last Prophet (peace be upon him) was preserved for posterity. This is how Providence provided us with the authentic text of the Holy Qur'ān.

COMPILATION OF THE QUR'ĀN DURING ABŪ BAKR'S REGIME

At the death of the Prophet (peace be upon him) few realized the need of compiling the Qur'ān. Whatever the people had of it was deeply revered and recited during prayers. But an incident took place which led not only the government but also the people to pay immediate attention to the compilation of the Qur'ān. There did not exist at that time an official copy of the Qur'ān and perhaps no single person possessed the complete written text. The incident in question took place after the demise of the Prophet (peace be upon him). What happened was that a few people in the country turned apostate and Musaylimah, the Liar, not only became an apostate but declared himself to be the new Prophet. Since he was head of a powerful tribe, many people offered support to him. Abū Bakr waged a war on him. The number of Muslims was much less than that of the enemy and the battle took place in the enemy territory at Yamāmah, in the suburbs of what is now the city of Riyāḍ (popularly, Riyaḍh). Many Muslims were martyred in this battle. Some of those who fell were considered the best among those who had memorised the Holy Qur'ān. The Muslims of Madinah were happy to receive the news that Muslims had won the battle but they were also sad to hear that some of the most highly respected Companions who had committed the Qur'ān to memory had been martyred.

'Umar realized that those who had memorized the Qur'ān would slowly depart from the world either owing to natural death or martyrdom in future battles. It was imperative for the government, therefore, to devise a system to preserve the Qur'ān for posterity or else it would meet the same fate which befell the scriptures of the Prophets of yore. He invited the attention of Caliph Abū Bakr to the fact that many a Companion who had committed the Qur'ān to memory were among the six thousand Muslims who had been martyred during the battle of Yamāmah. Abū Bakr's reply to 'Umar was characteristic of a devout follower of the Prophet: "O ‘Umar"! he said, "how can I undertake a work which was not done by the Prophet?" ‘Umar argued his case until both agreed to abide by the verdict of a third person. They named Zayd ibn Thābit as a mediator. He was a scribe of the Prophetic revelation. He too adopted Abū Bakr’s line of argument: "How can we do what the Prophet (peace be upon him) did not do?" The discussion was resumed. ‘Umar asked Zayd: "What is the harm in writing"? Zayd’s reply, as recorded in a tradition, was, "I do not see any harm either."

It was an emotional approach to argue that one could not do what the Prophet (peace be upon him) had not done but, on the other hand, there was nothing to prevent them from undertaking the assignment. Zayd is reported to have said that when Abū Bakr ordered him to start the work, he felt it would be far easier to carry the Mount of Uḥud on his head than to shoulder the burden of compiling the Holy Qur’ān.

With the beat of drum it was widely announced in the city of Madinah that everyone in possession of any part of the Holy Qur’ān in writing, recited in the presence of the Prophet (peace be upon him) at the "presentation" (*‘arḍah*), or corrected after comparison with it, or read before the Prophet (peace be upon him), should produce it before the Commission whose head was Zayd ibn Thābit and whose members comprised a number of Companions including ‘Umar. The Commission was directed to collect the authorized text of the Holy Qur’ān. Its terms of reference stipulated that an *āyah* (verse) occurring at least twice in the manuscripts submitted to it, should be accepted for the record, or else it should be rejected.

It was in this manner that the task of the compilation of the Qur’ān, under the supervision of Zayd ibn Thābit, a scribe of the Prophetic revelation, was completed during the tenure of Abū Bakr. At least twenty or twenty-five Companions, who had committed the Qur’ān to memory, were alive at the time of the Prophet’s death. Some of them were from the *Anṣār* (Local Residents; Helpers) while the rest were *Muhājirūn* (Emigrants). They remembered the entire Qur’ān by heart. One of them, Umm Waraqah, was a woman. The head of the Commission, Zayd ibn Thābit, was himself one of those who remembered the Holy Qur’ān by heart. Therefore, whatever he agreed to include in the compilation was done in the sure belief and knowledge that he too had preserved the entire text in his own memory.

Here a pertinent point of detail should be mentioned. When a person presented his manuscript to the Commission, 'Umar would ask him to declare on oath that the manuscript he was submitting was the same as was corrected in the presence of the Prophet (peace be upon him). The manuscript was accepted only after such an oath was taken. When the whole Qur'ān had been thus written down, Zayd ibn Thābit, according to his own statement, read it from beginning to end. He found one verse missing. This verse, he said, was present in his memory but was absent from all the written manuscripts. He went round the city in search of this verse. He went to every house, first in the quarter of the Emigrants and then in that of the Local Residents. None of the Emigrants had this particular verse in writing. Among the Local Residents, he at last came across a person who had a manuscript which contained this verse. It had been read out in the presence of the Prophet (peace be upon him); but according to the instructions of Abū Bakr, a verse could be accepted only if it was presented at least in two manuscripts. But the verse in question was found only in one. Strange indeed are the ways of God. The owner of the manuscript turned out to be the one to whom the Prophet (peace be upon him), being pleased with some performance of his, had once said that his evidence was to be considered equal to that of two men. Nature had perhaps anticipated the emergency facing Zayd ibn Thābit. He accepted the verse from the man. According to Zayd he read the Qur'ān again and discovered that yet another verse was missing.

It is possible that this tradition relates to the same incident and the narrators might have had their own differences about the verse. These verses have been described in detail and we are fully aware of their context. Suppose, however, for a moment that we decide to exclude them today from the Holy Qur'ān. In doing so we will not be rejecting any fundamental statement. Verses with similar meaning are available in other parts of the Qur'ān. But nevertheless meticulous care was exercised to ensure a perfectly correct compilation and collection of the Qur'ānic verses. A parallel to this punctilious performance is not to be found in the case of any other scripture in the history of the world.

COMPILATION AFTER ABŪ BAKR'S REGIME

When the compilation of the Holy Qur'ān was completed during the regime of Abū Bakr, the manuscript, according to historians, was presented to him. It remained with him until his death. It then went to his successor

'Umar. After the martyrdom of 'Umar, the manuscript passed into the custody of his daughter Ḥafṣah, the widow of the Prophet (peace be upon him). All of the Prophet's spouses were not educated. Some knew how to read, some knew both writing and reading, while others were illiterate. Ḥafṣah, the daughter of 'Umar, was one of the few women of her time who knew both reading and writing. 'Uthmān, the successor of 'Umar, presumably because of the personality and prestige of Ḥafṣah, did not consider it appropriate to withdraw the manuscript from her custody. He was himself one of those who had committed the Qur'ān to memory. He had his own copy and did not need to acquire the one with Ḥafṣah. But an event took place which made it necessary for the Caliph to resume its custody.

'Umar's regime saw a phase of quick conquests. Many opportunists who were, in reality, hypocrites (*munāfiqūn*) began to masquerade as Muslims to seek material gains. They wanted to subvert Islam from within. The Qur'ān, too, became the victim of their intrigues. May be these intrigues were of no consequence, but an incident did create a grave situation. During 'Uthmān's regime an expedition was sent to Armenia. Qasṭalānī, a commentator of the *Ṣaḥīḥ* of Bukhārī, records that while this force was stationed close to Erzerum, the recitation of some verses during a prayer led to a quarrel between the *imām* and his followers. Some of the followers took an exception to the manner in which he recited the verses. One held that his teacher in Iraq, such and such Companion of the Prophet, had taught him to read it differently. Another countered by saying that his teacher in Syria, such and such Companion, had taught him to recite it in another way. Both stuck to their versions. The dispute nearly led to an armed conflict but the sagacity of the army commander helped avert an ugly situation.

When the army returned to Madinah, its commander, Ḥudhayfah ibn al-Yamān, instead of going to his own house, went straight to the Caliph and briefed him about the details of the event and its implications. One of the qualities of 'Uthmān was that he was a man of decisive nature, and had the capacity to have his decisions implemented. He decided at once to redress the situation. A messenger was despatched to Ḥafṣah with a request that the manuscript which was prepared during Abū Bakr's regime and was in her custody, should be lent to him; and an assurance was given that it would be returned to her. On receiving the manuscript, 'Uthmān entrusted it once again to the old scribe of the Qur'ān, Zayd ibn Thābit, with the request that its copies should be prepared, compared and corrected for spelling mistakes.

The Holy Qur'ān is the first document in the Arabic language. It is possible that in the initial stages the Arabic script had certain inadequacies and shortcomings. 'Uthmān, therefore, issued a directive to carry out necessary reforms in the script in the interest of evolving a uniform system of pronunciation. He pointed out regional disparities on this score. The tribes of Najd pronounced a word in one way, while the people of Madinah pronounced the same word in a different way. 'Uthmān ordered that in the event of a difference in the pronunciation of a certain word, the pronunciation of the people of Makkah should be followed. Zayd ibn Thābit carried out the order and prepared copies of the entire manuscript with the help of a few assistants. 'Uthmān also directed that in the event of a difference of opinion on any issue during the copying of the manuscript, the matter should be referred to him.

Unfortunately we do not possess information about the words whose pronunciation led to the quarrel in the army stationed near Erzerum. Perhaps the basis of the dispute was the difference in various dialects which are spoken in different accents. For example, in the Qur'ān, we come across a word *tābūt*. It means "box." In the dialect of Madinah it was pronounced as *tābūh*, with an *h* at the end, while the people of Makkah pronounce it with a *t* at the end. The members of the Commission could not reach a consensus on this issue. The matter was referred to 'Uthmān who ruled that the word should be written with a *t*.

'UTHMĀN'S ROLE IN THE COMPILATION OF THE QUR'ĀN

This is perhaps not a matter of much significance but we mention it to bring out the nature of 'Uthmān's contribution to the compilation of the Holy Qur'ān. All that happened during his regime was that copies of the Holy Qur'ān were prepared, and orthography or spellings were corrected at places. The sound of words was not changed but the writing of the sound registered some difference. Four, or, according to another account, seven copies were prepared. To meet the high standard of intellectual integrity obtaining at the time, 'Uthmān ordered that all the seven copies should be read aloud, one by one, from beginning to end in the Prophet's Mosque so that not a shadow of doubt remained in the mind of anyone that he had introduced any change in the Qur'ān.

When all the manuscripts were read out in this manner and everyone was satisfied that they were correct, 'Uthmān despatched a copy each to different provincial capitals of his vast empire with instructions, that in future, copies should be made only from the official authentic text. If anyone had a copy with a different text, it was required to be destroyed. One does not know exactly how far this directive was carried out. It was practically impossible that the police should go to every house in the three continents of the empire and compare copies of the Qur'ān found in the houses with the official text and destroy those found different from the authentic version. We do not come across any event of this kind in history.

All the copies of the Holy Qur'ān which have come down to us from the first century of the *Hijrah* are the same as the four or seven copies sent to different capitals by 'Uthmān. Some of them are still extant. The Tashqand (popularly, Tashkent) Museum has one. How did it reach there? This copy was first found in Damascus, the capital of the Umayyads. When Tamerlane conquered Damascus, the most precious treasure he came by in the loot was 'Uthmān's personal copy of the Holy Qur'ān. He brought it to Samarqand, his own capital, and preserved it there. The copy remained there until the Russians conquered the city in the nineteenth century. The famous copy of the Qur'ān was shifted by the Russian commander-in-chief to St. Petersburg.

Russian historians suggest that it was sold by the ruler of Samarqand to the Russian commander. The idea is to establish that the Russians had not stolen but had bought the copy. In any case, it remained in St. Petersburg until the end of the First World War. When the Communists came to power, many who did not wish to live under the new regime, emigrated to different countries. One of them was General Ali Akbar Topchi Bashi who went to Paris. I had an opportunity to meet him. He told me this story.

> I was present in St. Petersburg as a senior officer of the army when the Tsar was killed. I sent a commando force to take over the royal palace and seek out 'Uthmān's personal copy of the Qur'ān from the royal library. As an army general I went to the railway station and demanded an engine from the station master. I placed the Qur'ān in the engine compartment and ordered the engine driver to take it with an army escort to Turkestan as quickly as possible. Thus the copy reached its destination. A few hours later the Communist army commanders got wind of the incident. They sent another engine with an escort to chase the one I had despatched. But they missed it. Thus the copy reached Tashqand.

When the Communists took over Tashqand, they did not transfer the copy in question to Leningrad with the result that it is still there in Tashqand.

During the days of the Tsars, fifty copies, based on the photo of the manuscript, were printed. I know about a few of them. One is in America; another in England. I saw a copy in Kabul. Another copy is in Cairo. I have its microfilm. Another manuscript is preserved in Topkapi Museum of Istanbul. It is attributed to 'Uthmān. I have seen it myself. The page bearing the verse: "But God will suffice you . . ." (11:137) has red spots on it. It is said that it is the blood of 'Uthmān who was martyred while he was reading the Qur'ān. The third manuscript is in the India Office Library. I have its photocopy. It bears official seals and a statement that it is 'Uthmān's copy of the Qur'ān. There is no difference in the script or the size of all these manuscripts. It seems they are contemporaneous. They are written on skins, not on paper. It is possible that these manuscripts are 'Uthmān's own and it is also possible that they belong to the same period or were written a little later than 'Uthmān's own copy of the Qur'ān. In any case, it is a matter of pride and satisfaction for all of us that there is not the slightest difference between these copies and the text of the Qur'ān in use today.

'Uthmān is known as the *Jāmi'* al-Qur'ān. This does not mean that he collected the Qur'ān. Muslim historians interpret the title to mean that he brought the Muslims around to a uniform reading of the Qur'ān. To save Muslims from the differences of pronunciation, he selected the Makkan pronunciation. 'Uthmān held that it was no longer necessary to avail of the Prophet's permission to read it according to the pronunciation of any of the dialects because the standard dialect of Makkah had been introduced all over the world of Islam. Thus 'Uthmān was instrumental in creating a common language and gathering all Muslims around an absolutely uniform reading on the Qur'ān. May God bless his soul!

AUTHENTICITY OF THE QUR'ĀNIC TEXT

Some time back the Christian clergy of Germany thought of collating the ancient manuscripts of the Bible. As the original Bible in Aramaic (the language of Jews) is extinct, the oldest available Bible is in Greek. It is from Greek that the Bible has been translated into all other languages of the world. The Greek manuscripts, they thought, should be collected and compared with each other. Thus all the Greek manuscripts of the Bible in the world, whether complete or incomplete, were collected. The report published after this global exercise stated: "Some two hundred thousand contradictory narrations have been found." And then there is a sentence: "Of these one-eighth are of an important nature." This is the story of the Bible.

After the publication of the report some people probably felt jealous of the Qur'ān in the University of Munich. An Institute for Qur'ānic Research was set up. The idea was to collect all the oldest available copies of the Holy Qur'ān, in original or photocopies. The process of collection lasted for three generations. When I was at the University of Paris in 1933, the third Director of the Institute, Mr. Pretzl, came to Paris to get photocopies of all the ancient manuscripts of the Holy Qur'ān available in the Public Library of Paris. The professor told me personally at the time (1933) that the Institute had 43000 photocopies of the Holy Qur'ān and that the work of collation was proceeding apace. During the Second World War, a bomb hit the building of the Institute destroying the edifice, the library and the staff. An interim report published shortly before the beginning of the Second World War stated, *inter alia*, that the work of collation of the Qur'ānic manuscripts had not yet been completed. But the result of the examination conducted until then suggested that while some mistakes of calligraphy had been detected in the manuscripts, not a single discrepancy in the text had been discovered. A calligraphic or a typographical error found in one manuscript does not recur in another. Suppose, for example, that in a manuscript of the Qur'ān one word is missing from the text. This mistake will remain confined only to that very manuscript, the rest will have the complete text. The omission is the result of an oversight on the part of the scribe who has inadvertently missed a word. Should there be a difference in narration it will be found in many manuscripts. This is not so in the case of the Qur'ān.

All the events narrated so far categorically prove the Divine claim in the Qur'ān: "Verily it is We Who revealed the Remembrance and verily We are its guardians . . ." (15:9).

QUESTIONS AND ANSWERS

Question

How would you explain the Abbreviated Letters found in the Qur'ān?

Answer

In certain places in the Qur'ān, there are no words but only letters e.g. *Alif Lām Mīm, Ḥā Mīm*, etc. The Prophet (peace be upon him) did not explain the significance of these letters. Had he done so, there would have been no difference of opinion on this issue.

Now the matter has come to such a pass that at least sixty or seventy opinions are available. This has been going on for 1400 years and the process has not come to an end. Even today fresh viewpoints are being put forth. I was at the University of Paris in 1933. One day a Christian class-fellow told me that the Muslims had not been able yet to understand letters which cannot be joined to those coming next to them. He was an expert in music. He suggested that the Abbreviated Letters referred to tunes and rhythms of music. In brief, people have been trying and will continue to try to unravel the mystery of the abbreviated letters.

All that I can say is that I know nothing in this field except a tradition which provides a clue. Some Jews came to see the Prophet (peace be upon him) and asked him how long his religion would endure. The Prophet (peace be upon him) replied: "*Alif Lām Mīm.*" The Jews said: "Thank God your religion will last seventy-one years and will then perish."* The Prophet (peace be upon him) said *Alif Lām Mīm Rā* had also been revealed to him. The Jews calculated *Alīf Lām Rā* was equal to 231 years while *Alif Lām Mīm Rā* was equal to 271. Then the Prophet referred to other letters having been revealed to him e.g. *Hā Mīm, 'Ayn Sīn Qāf* etc. This went on until the Jews quit in desperation.

It is possible that the Prophet's reply was aimed at confounding them. But the reply certainly refers to the numerical value of letters. As you know, in Arabic alphabet *alif* = 1, *bā* = 2, *jīm* = 3 and *dāl* = 4. The Arabic alphabet has twenty-eight letters. One can perfectly write upto 1000 with these letters. To avoid the possibility of misunderstanding arising because of the use of a figure, a letter of the alphabet can be used instead. Both can also be used at the same time. I understand this is standard practice in Sanskrit. But Sanskrit has far more than twenty-eight letters of the alphabet, and one can write upto one trillion.

---

*The Jews made this statement because in the Arabic literary tradition the letters are supposed to have numerical value. In this case, the calculation was based on the assumption that *alīf* = 1, *lām* = 30, and *mīm* = 40, Ed.

Question

You said something to the effect that no harm would be done if a verse was omitted from the Holy Qur'ān for there are others carrying the same meaning. Why was this statement considered necessary?

Answer

All I said was that there was nothing fundamental in the two verses which were stated to have been unavailable in a written form to Zayd ibn Thābit. Their omission would not, by any chance, adversely affect the meaning of the Holy Qur'ān. For example, had there been only one verse stating that there is no God except Allah, there was a possibility that its omission would damage the correct position of Islam. What I meant to say was that there was no such issue of substance involved in the two verses in question. Take for example the following verse:

> Surely, a Messenger has come unto you from among yourselves; grievous to him is that you shall fall into trouble; he is ardently desirous of your welfare; and to the believers he is compassionate, merciful. But if they turn away, say, Allah is sufficient for me. There is no God but He. In Him do I put my trust, and He is the Lord of the Mighty Throne (9:128—129).

It is stated here that the Prophet (peace be upon him) is extremely considerate to his people. It is obvious that this is an expression of praise for the Prophet but its omission would not by any chance gravely damage the teachings of Islam. I certainly did not suggest that there was a possibility of omitting a verse from the Holy Qur'ān. I would state, however, that some of the verses of the Qur'ān are repetitive. Suppose one of them is omitted. It is obvious that such an omission would not detract from the teachings of the Qur'ān. For example the expression: "Which, then, of the favours of your Lord will you deny?" (55:14) occurs many times in *sūrah al-Raḥmān*. If it is omitted in one or two places the teachings of the Qur'ān would not be affected. It is not suggested that the change is probable or suitable. All I wanted to say is that the verse which Zayd ibn Thābit had to seek so assiduously did not contain anything fundamental whose omission would adversely affect the teachings of Islam. The Prophet (peace be upon him) has been praised in this verse. He has also been praised in other verses. This is all I wanted to say.

Question

Please explain the word Fārqalīṭ *(Pericletos, Paracletos?)*

Answer

You are probably aware that it is a Greek word which means a guide or a director. Muslims generally believe that the word has the same meaning as Aḥmad, that is the one who has been much praised. This idea gained currency among Muslims probably because the oldest biographer of the Prophet, Ibn Isḥāq, has stated that the Prophet's name is mentioned in ancient scriptures. The word also occurs in the Bible and it means Aḥmad. I think it is quite possible that Jesus Christ prophesied the advent of Aḥmad. The Qur`ān also confirms this: ". . . giving glad tidings of a Messenger who will come after me; his name is Aḥmad" (61:6).

There are two Greek words with a slight difference in meaning i.e. *Pericletos* and *Paracletos*. The former means praise incarnate (Aḥmad), while the latter means a guide or a director. If Jesus Christ (peace be upon him) foretold the advent of the last Prophet who would be a guide, or prophesied the coming of a Messenger who would be praise incarnate, it means the samething. Jesus was merely saying that he had not completed the faith and that a Prophet who would follow him would do so. There is no contradiction in the two contentions. This is borne out by some other statements in the Bible. At one place Jesus (peace be upon him) states, for example, that he had to leave the world soon and that it was necessary to do so for only in that event the Father in Heaven would send a man who would fully explain things that Jesus had not yet touched upon. There were many problems which Jesus wanted to explain but the people did not have patience. "A man will therefore come", he prophesied, "who will explain my position again to you and will remain with you until the end of time." In other places in the Bible similar sentiments reinforcing the same idea find expression.

Question

How does one reconcile various statements, which are sometimes mutually contradictory, concerning the circumstances in the context of which the different verses of the Qur'ān were revealed?

Answer

One can only say that the general rules applicable to resolving a difference of opinion in the case of a tradition would also apply here. We shall first examine whether one or the other tradition is correctly reported. Whose narrators are more reliable? This is the formula for resolving all differences of opinion in the case of traditions and the same rule will apply to this case. I think differences surrounding the circumstances of a revelation are not really important. Suppose for example that a narrator states that the first *sūrah* revealed was *al-Baqarah*. Another narrator does not agree and suggests that another chapter was revealed instead. This difference of opinion, in my view, does not carry much weight. It only reflects the state of the Companion's knowledge. He narrates what he recollects.

Question

Who was Umm Waraqah? Was she the only lady who committed the Holy Qur'ān to memory or are Umm Salamah and 'Ā'ishah also included in this category?

Answer

Umm Waraqah was an *Anṣār* lady who had embraced Islam in its very early phase. It is recorded that she offered her services for the Battle of Badr to the Prophet (peace be upon him) and requested him to take her along as she wanted to fight the enemy. There is another aspect which can present some practical and academic problems. It is stated that the Prophet (peace be upon him) appointed her leader or *imām* of a mosque in her locality and that men prayed behind her. The *mu'adhdhin*, who calls the faithful to prayer, was a man. It is obvious that he too prayed behind the *imām*. This account occurs in the *Sunan* of Abū Dā'ūd and the *Musnad* of Aḥmad ibn Ḥanbal.

Here the question arises whether a woman can be made an *imām*. One can perhaps speculate that the tradition in question relates to the early period of Islam and that the Prophet (peace be upon him) possibly cancelled it later. But on the contrary it is proved that Umm Waraqah was alive during the regime of 'Umar and continued to discharge her duties. We shall, therefore, have to give some serious thought to the question. It becomes necessary sometimes to make an exception to a rule. The Prophet (peace be upon him) must have made the exceptional appointment in exceptional circumstances.

From my personal experience I can relate an incident. A few years ago an Afghan girl student came to Paris. A Dutch class — fellow fell in love with her. He was so infatuated that he gave up his religion and embraced Islam. Both got married. The next day she came to tell me that her husband had become a Muslim and wanted to do what the faith prescribed, but the problem was that he did not know how to say his prayers. "He insists", she said, "that I should lead the prayers and teach him how to conduct himself. Can he follow me in prayers?" asked the girl. A common *maulauī*, if asked, would reply in the negative. But I recalled the case of Umm Waraqah and advised that as an exceptional case she should agree to lead the prayers. I also suggested that her husband should quickly memorize the verses considered necessary for prayers, and he should then lead the prayers and the wife should follow him. In other words, it was in exceptional circumstances that the Prophet (peace be upon him) made the exceptional choice. Anticipating an exigency in the future the Prophet (peace be upon him) provided a precedent.

As regards the question whether women other than Umm Waraqah had also committed the Holy Qur'ān to memory, I am afraid I do not know. I have not come across any tradition suggesting that 'Ā'ishah or Umm Salamah also fall in this category. They certainly remembered a few *sūrah*s, and it is possible they remembered many, but I have not yet come across a clear statement mentioning that they had in fact committed the Holy Qur'ān to memory.

Question

In the light of the traditions of the Prophet (peace be upon him) and the verses of the Holy Qur'ān what do you think is the correct response to the incident of Bi'r Ma'ūnah in the *Ṣaḥīḥ* of Bukhārī; and Abū Mūsā al-Ash'arī's statement in the *Ṣaḥīḥ* of Muslim "that we used to recite a particular verse which was later cancelled", and to 'Umar's contention that if a man and a woman committed adultery they should be stoned to death?

Answer

It is a lengthy question and a lot of time is required to answer. Were there any verses in the Qur'ān which have been cancelled and no longer exist? Do the current copies of the Holy Qur'ān contain verses which were once cancelled? Have the commandments contained in the verses in question become redundant? There is much debate about these questions and you will easily find books which deal with them. I shall mention only one important point in this connection. The statement attributed to ‘Umar is also to be found in the *Ṣaḥīḥ* of Bukhārī. Its words are something to this effect: "Had I not been afraid that posterity would accuse me of making an addition to the Book of Allāh I would have added the sentence. ‘If an adult man and woman who are married commit an act of adultery, they should be stoned to death’ because we followed this practice during the days of the Prophet (peace be upon him) and after him [follow it] till now. But I do not want it either that I should be accused of adding anything to the Qur’ān." In Bukhārī’s version the word Qur`ān does not occur. He uses the expression "Book of Allah".

Some scholars have commented — and I like the idea — that by the Book of Allah is meant the prescriptions of God. Since the Torah and the Bible are also books of God and they contain a clear statement that punishment for adultery between married persons is stoning to death, ‘Umar’s reaction becomes both valid and reasonable. He held that the punishment was prescribed by the command of God and that the Prophet (peace be upon him) got it implemented. He would not have hesitated, therefore, in adding it to the Qur`ān. `Umar did not claim that any such *sūrah* existed in the Qur’ān. All that he said was that such a punishment was prescribed in the commands of Allāh. There is a great difference between the two statements.

Question

How far have the scriptures of the People of the Book been used for explaining the Qur`ān?

Answer

The Qur`ān makes a brief statement but does not give details, the commentaries of the Qur’ān fill the gap. For example, one comes across only the name of a Prophet in the Qur’ān. If the Torah and the Bible provide a fuller background, our commentators use the detailed information in their notes. Of such commentators, al-Biqā’ī is perhaps the most important. He has written a voluminous commentary which is now being published. (Eight or ten volumes have already come out and more than half the work has yet to be published).* He gives very detailed extracts. The Torah and the Bible both had been translated into Arabic in the olden days and you find their extracts

*This statement was made in 1979. Ed.

in this book. Were you to compare it with the recent translations of the Torah and the Bible into Arabic published from Beirut, you will find their language so bad that you will not feel like reading them. If someone were to collect the verses of the Torah and the Bible used in the commentary of al-Biqā'ī, it will make a bulky volume of some 200 pages. The commentators of the Qur'ān have used the extracts without verifying their veracity. There is a clear injunction in a tradition included in the *Ṣaḥīḥ* of Bukhārī that the Prophet (peace be upon him) stated: "You can relate statements of the People of the Book." Another tradition says: "You should neither accept nor reject them but you should say that you place your faith only in Allah's word." From the point of view of the *Sharī'ah*, therefore, there is no harm in availing ourselves of the scriptures.

Question

Gabriel taught the Prophet (peace be upon him) how to pray. What is the research on the ritual of prayers? Which way of saying prayers is correct? Why is there a difference in this regard between different sects e.g. Shī'ah and Sunnī?

Answer

I have read about it in Balādhurī's *Ansāb al-Ashrāf*. He writes that Gabriel taught ablutions to the Prophet (peace be upon him). He also taught him prayers and physical purification after easing nature. In my view the difference between Sunnī and Shī'ah prayers is insignificant. The followers of Mālik, who are Sunnī, also pray like the Shī'ah with their hands stretched on their sides. This means that the Prophet (peace be upon him) sometimes prayed with folded hands and sometimes he did not fold them.

Some sixty-five or sixty-seven years ago* when I was a student in a primary school, our Headmaster came into our class and started asking the name of every student. Among them were Hindus and a few Muslims. From the Muslims he enquired about their sect. Among them were Shī'ahs as well as Sunnīs. At that time he came out with a remark which has left an indelible impression upon my mind. I have never been able to forget it. He said:

> Children! Never quarrel over this issue. Shī'ahs and Sunnīs are brothers. Both are Muslims. The difference between them is owing to a good reason.

---

*This statement was made in 1979. Ed.

God loved his Prophet (peace be upon him) so much that He wanted to preserve all his traditions till eternity. The Prophet (peace be upon him) performed his prayers sometime in one way and some time in another. If all the people were to adopt one posture, the other that the Prophet (peace be upon him) also adopted would have been lost. God willed that every tradition of the Prophet (peace be upon him) should be preserved till the Day of Judgement. Therefore, a set of people are following one tradition while another set are pursuing the other. But both are following the traditions of the Prophet (peace be upon him).

* * * *

TWO

HISTORY OF *ḤADĪTH*

QUR'ĀN AND *ḤADĪTH*

The *Hadīth* inevitably follows the Holy Qur'ān. The two together furnish the fundamental law of Islam. It is appropriate, therefore, to begin with the importance of *Ḥadīth* and the nature of its link with the Qur'ān. At numerous places the Qur'ān commands Muslims to obey the Prophet (peace be upon him). It says, for instance: "Whatsoever he forbids you, abstain from it" (59:7). Another verse expresses the same idea more forcefully: "Whoso obeys the Messenger obeys Allah indeed" (4:80).

These as well as other similar verses give us some idea of the Qur'ānic concept of *Ḥadīth* which is by no means an unimportant discipline, but is to be treated almost at a par with the Holy Qur'ān.

Take the example of an ambassador carrying a message of his master to another sovereign. It is obvious that the letter given to him will not carry much detail. In the discussion that follows on the subject every word uttered by an envoy would be taken as the word of his sovereign. The purpose in citing the example is to underline the fact that both the Qur'ān and the *Ḥadīth* are essentially the same thing. They carry an equal status. Yet another example will help elucidate this thesis more clearly. Suppose the Prophet (peace be upon him) is alive today. One of us goes to meet him and announces his conversion to Islam. Addressing the Prophet (peace be upon him), he then proceeds to say: "The Qur'ān is the word of God and I accept it. But the *Ḥadīth* is your own word and I am not obliged to accept it or act on it." The result of such an assertion would be expulsion from the *ummah*. To say in the presence of the Prophet (peace be upon him) that what he orders is his personal opinion and is not binding on a Muslim is tantamount to repudiating Islam.

The status of an order given by the Prophet (peace be upon him) is the same as that of a command given by God. The difference between the two has arisen only because the process of collection, collation and preservation of the Qur'ān has been different from the one followed in respect of the *Ḥadīth*. Thus, the problem that arises is that of authentication and investigation. There was no need of proof during the life of the Prophet (peace be upon him). Whatever he uttered was surely seen to be his command. The problem arose only later. For example, I hear something from the Prophet (peace be upon him) and relate it to you. The Prophet (peace be upon him) is absolutely right but, as a human being, I have my human weaknesses. My memory can fail me. My understanding of his word can be faulty. It is possible that I did not hear the statement properly, perhaps owing to lack of requisite attention or owing to noise. In brief, there can be many a reason for inaccurate reporting.

That is why the transmission of the *Ḥadīth* after the death of the Prophet (peace be upon him) does not possess that status of absolute certainty which the Qur'ān does. The Qur'ān was compiled personally by him. For its preservation he adopted measures which no other Prophet did. At least, no such example is offered by history. This is not the case, however, in regard to *Ḥadīth.* The Prophet (peace be upon him) did not pay it the attention that was given to the Qur'ān. One of the possible reasons for the apparent neglect was his innate sense of humility. He looked upon himself as a mere man who did not become superior to others only because he was a Prophet.

PROPHET'S SAYINGS AND REVELATION

Everything that the Prophet (peace be upon him) says is based on revelation. When he receives a revelation he makes no mistake in communicating it in its entirety. When he does not receive a revelation he simply waits because he has no control over it. God reveals when He desires; and when He does not, the Prophet (peace be upon him) has no choice but to wait for he cannot pass on his own thoughts as the revealed truth.

We come across a number of instances in the *Ḥadīth* from which it is clear that the Prophet (peace be upon him) used to consult others in mundane matters. For example a *ḥadīth* narrates that the Prophet (peace be upon him) issued certain orders. The Companions enquired whether they were based on revelation. The Prophet (peace be upon him) replied: "Had they been based on revelation I would not have consulted you."

There is another very interesting *ḥadīth* about date-trees. When he came to Madinah, the Prophet (peace be upon him) happened to see that the pollins of a male tree were being mixed with those of a female tree to fertilize them. Presumably owing to his innate modesty he did not like this and suggested that it was not appropriate to induce male-female connection between the plants. He advised people to refrain from it. When they acted upon his order the produce of dates declined. Some people came to the Prophet (peace be upon him) and told him that owing to lack of pollination the date yield had been substantially reduced. The Prophet (peace be upon him), according to a *ḥadīth* in Tirmidhī, responded: "You know these worldly matters better than I do."

It is clear from this example that a statement of the Prophet (peace be upon him) based upon revelation has the status equal to that of the Qur'ān, but the expression of his own personal opinion would be merely the utterance of a wise and intelligent person, and by no means Divine revelation. It is related in the *Ḥadīth* that on occasions the Prophet (peace be upon him) concluded a prayer after three *rak'ah*s instead of four, or he went through three instead of the two that were required. Such lapses are human. It is possible they occurred due to Divine dispensation. God has acclaimed the Prophet (peace be upon him) as "a good example" for mankind. "Verily in the Messenger of Allāh you have a good example . . . "(33:21).

A Messenger can be a good example and a perfect model only if he remains within human bounds, i.e. he does what other human beings can do. If, on the contrary, he becomes a superman he will cease to be a good example for us. Therefore we come across instances — even if extremely rare — when he does not wake up early enough for the morning prayers, or makes a mistake in the number of *rak'ah*s offered. God in His wisdom desires mankind to realise that the Prophet is but a human being. We should not think that we cannot emulate his example or perform the task that he did as a human being. We should remember that the Prophet (peace be upon him) always wanted to ensure that he should do nothing which was beyond the capacity of the *ummah.* Take for example the fast called *wiṣāl*. The duration of this fast, instead of ending at sunset of the same day, is extended and may last for two days or even more. The Prophet (peace be upon him) emphatically told his followers to desist from it. He advised them against fasting for twenty-four hours, too, and suggested a breakfast before dawn. He laid much emphasis on it. Once a Companion pointed out to the Prophet (peace be upon him) that his own practice on this account was different from the one he preached to others and that he too wished to emulate his example. The Prophet (peace be upon him) allowed him to try. The Prophet (peace be upon him) himself fasted for twenty-four hours, and then extended it to forty-eight hours. The people were worried. By chance the moon of the month of Shawwāl was sighted on the 29th of Ramaḍān and the fast had to be terminated. Had the moon not appeared that day the Prophet (peace be upon him) might have extended the fast to seventy-two hours. People would have then realised that their ambition to emulate the Prophet (peace be upon him) in certain cases was not entirely proper. Maybe a few individuals are able to emulate him, but the common people are incapable of doing it.

IMPORTANCE OF *ḤADĪTH*

The importance of the *Ḥadīth,* therefore, is by no means less than that of the Qur'ān. The only difference is that we do not have the same impeccable proof of accuracy in the case of *Ḥadīth* as indeed we have for the Holy Qur'ān, which has been preserved intact exactly in the same form as it existed fourteen hundred years ago in the days of the Prophet (peace be upon him). Not a word, not a letter, not even a dot has changed. This cannot be said about the *Ḥadīth.*

Scriptures similar to the Qur'ān are found in other communities. The Jews, for example, have the Torah. Other nations also claim to possess revealed scriptures. But while we have examples of revealed books corresponding to the Qur'ān, we do not see an example corresponding to the *Ḥadīth.* Something similar exists in Buddhism but it does not enjoy the importance that we attach to *Ḥadīth.* The basic scripture of Buddhism is somewhat like the sayings of a saint collected by his disciples. The sayings of Buddha have been collected by one person. But *Ḥadīth* has been collected and narrated by different persons. This characteristic is conspicuous by its absence in others religions. The *Ḥadīth*, then, is a branch of knowledge whose equivalent is not to be found in other religions. Under the circumstances, therefore, the possibility of a comparative study does not exist. We shall have to content ourselves only with the history of the traditions of the Prophet (peace be upon him).

ḤADĪTH AND *SUNNAH*

Let us begin with a few technical terms. There is the word *Ḥadīth* and there is the word *Sunnah*. The two are almost synonymous. Both have the same meaning and convey the same thing i.e. the sayings of the Prophet (peace be upon him). An account of his actions falls in the same category e.g. someone states that he saw the Prophet (peace be upon him) do a certain act or say a certain thing. And also that which scholars describe as *taqrīr* – i.e. tacit approval. These are matters which the Prophet (peace be upon him) allowed by his silence. He saw, for example, a Companion perform a certain task and he did not stop him or kept quiet. His silence amounts to approval. It means that his silence can also become a source of Islamic law. It is the duty of the Prophet (peace be upon him) to forbid evil. He can forgive a wrong which could take place owing to ignorance or carelessness on the part of a person but he will certainly forbid its recurrence when he sees someone perfroming the same wrong act again. In brief, the *Ḥadīth* comprises three elements, viz. the sayings of the Prophet (peace be upon him), his actions, and his tacit approval of a statement or action of someone else. The technical term for the third category, as we have noted, is *taqrīr*.

The first two terms i.e. *Ḥadīth* and the *Sunnah* were initially different but they are now synonymous. *Ḥadīth* denotes speech or word, and *Sunnah* means 'the way of doing'. Now the word and deed have both become the same because the narrations of the Companions refer both to the sayings and the deeds of the Prophet (peace be upon him). It was difficult to deal separately with saying and deed. By usage, therefore, the expression *Ḥadīth* and *Sunnah* now denote both the words and deeds of the Prophet (peace be upon him). The difference between the two has practically disappeared.

There is a third category between the Qur'ān and the *Ḥadīth* and that is *ḥadīth qudsī*. There is not much material difference between the two kinds of *Ḥadīth* but to a degree both are to be treated separately. *Ḥadīth qudsī*, too, is a tradition narrated by the Prophet (peace be upon him), but it always begins with the words "God says". This is an indication that the entire statement is based on revelation. We can agree that all statements of the Prophet (peace be upon him) are based on Divine revelation. ("Nor does he speak out of his own desire. It is nothing but pure revelation that has been revealed by God.") (53:3-4). But in a narration where the Prophet (peace be upon him) himself begins the statement with "God says", the scholars accord it a superior status and record it as *ḥadīth qudsī*. Such a statement is passed from generation to generation exactly in the same way as other statements attributed to the Prophet (peace be upon him) in which he does not use the preface peculiar to *ḥadīth qudsī.* There is a lot of literature available on this subject — both published and unpublished.

There are two main kinds of *Ḥadīth* i.e. official letters or documents and private collections by Companions of the statements and actions of the Prophet (peace be upon him). Let us deal with the first category.

EARLY *HADĪTH* DOCUMENTS

A few documents date back to a period even earlier than the migration to Madinah. We are no doubt aware that in the fifth year of prophethood, when the pagan Makkans intensified their persecution of Muslims, some of them were permitted by the Prophet (peace be upon him) to emigrate to Abyssinia. In this connection we come across a document often referred to in the books on the *Sīrah* i.e. the life of the Prophet (peace be upon him). This is a letter to the king of Abyssinia which the Prophet (peace be upon him) gave to his first cousin, Ja'far al-Ṭayyār, with instructions to deliver it to the king. Towards the end the letter has words to this effect:

> I am sending my cousin Ja'far to you. He is accompanied by some other Muslims. Please extend your hospitality to them when they present themselves to you.

It is obvious that even though it does not bear a date the letter relates to the period of emigration to Abyssinia. Similarly we have another interesting document of the period which has caused surprise to some. This is the case of Tamīm al-Dārī. He was a Christian from Syria. He came to Makkah and embraced Islam. He was a much travelled sailor whose voyages have been mentioned in some detail in the *Ṣaḥīh* of Muslim. Tamīm al-Dārī told the Prophet (peace be upon him) that he was sure that the Muslim army would soon conquer Syria, his country. "When this comes about", said the Syrian, "I should be awarded such and such a village as my fief". According to the historians, the Prophet (peace be upon him) dictated a document to this effect and gave it to Tamīm al-Dārī. Its words were: "If Martum, Hebron and . . . [mentions the names of some villages] are conquered, they should be given to Tamīm al-Dārī." This is also one of the first documents of the pre-Migration period. Other writings relating to this time are also available.

The second period relates to the migration to Madinah and covers about a dozen days spent in the actual journey from Makkah to Madinah. We also come across documents of this period. For example, there is the incident of Surāqah ibn Mālik pursuing the Prophet (peace be upon him) with the intention of arresting him and then selling him to the Quraysh who had placed a price on his head. A number of miracles took place and Surāqah eventually sought forgiveness. The Prophet (peace be upon him) forgave him. Upon this he requested for permit of safety. Narrators relate that the Prophet (peace be upon him) had pen, ink and paper with him during the journey and that one of the members of his party was a slave by the name of ʻĀmir ibn Fahīrah. The Prophet (peace be upon him) dictated the document to him. It guaranteed peace and protection to Surāqah ibn Mālik on behalf of the Prophet (peace be upon him). Later he became a Muslim. When he came for the purpose of conversion he produced the letter of the Prophet (peace be upon him). The Companions allowed him to proceed on the basis of the letter with the result that the crowds notwithstanding, Surāqah was ushered into the presence of the Prophet (peace be upon him) and talked to him.

This document is among the writings related to the period of Migration. They are not many. Probably this is the only example of a document relating to the actual journey marking the migration.

The number of documents increased gradually with the arrival of the Prophet (peace be upon him) in Madinah. Among these were both official and private papers. Some documents are of such a nature as could not be expected to exist during this period. For example the *Ṣaḥīḥ* of Bukhārī records that once the Prophet (peace be upon him) ordered a census of Muslims. The order was carried out. According to the same source a list of 1500 names was prepared. It included men, women and children. Bukhārī does not clearly record the year of the census but judging from the limited number it seems to have taken place immediately after the Migration. Presuming that two hundred families moved from Makkah, the total number of Emigrants should be around five hundred. Also included in the list were Muslims of Madinah. The total of 1500, therefore, suggests that the event belongs to the early rather than the later period when the number of Muslims had much increased. In the Farewell Pilgrimage, for example, one hundred and forty thousand people performed the Pilgrimage. There is obviously a great difference between fifteen hundred and one hundred and forty thousand!

CONSTITUTION OF MADINAH

Besides the census, we come across another event which probably took place in the first year of the *Hijrah*. That too was in an unexpected form. It was indeed a strange occurrence. It was the constitution of the state. Why did it become necessary to have a constitution?

Owing to the persecution by the Quraysh the Muslims of Makkah moved to Madinah and were joined by the Prophet (peace be upon him) later. Had the Quraysh desisted from continuing their hostility, the Muslims might have soon forgotten the loss of life and property, and their exile from the homeland. They might have started a new life in Madinah. But the Quraysh of Makkah did not leave them in peace. Seeing that their enemy — the Prophet (peace be upon him) — had escaped from their clutches, they were wild with rage. They wrote a letter to the citizens of Madinah demanding that their enemy who had taken refuge in their land should either be expelled or killed or else the Quraysh would take "appropriate steps."

It is obvious that the Muslims of Madinah could not accept any of these demands. An ignorant or an inept ruler would have ignored the ultimatum contained in the last line about "appropriate steps", but the Prophet (peace be upon him) had to set an example to posterity and provide guidelines for later rulers how to deal with a powerful enemy in such a situation, and how best to safeguard their national interests. The Prophet (peace be upon him), therefore, took certain precautionary measures. The first was to provide for the destitute refugees who had come empty-handed to a new land. Difficulties involved in such an undertaking are enormous. Not all the problems of refugees have been solved despite the vast resources of the modern world. Not only in Pakistan but in Germany and other countries confronted with such an issue, it has been extremely difficult to solve the problem of refugees.

The people who initially migrated to Madinah were not many — probably a few hundred — but the resources at that time were very limited. To provide for permanent settlement of some few hundred people in a small town like Madinah was by no means an easy task. It was equal to accommodating a million people in the present times. But the Prophet (peace be upon him) with his political sagacity resolved the matter in no time. He sent for the comparatively prosperous people of Madinah together with representatives of the Emigrants from Makkah — men who were heads of families. When both the groups had assembled, the Prophet (peace be upon him) addressed the *Anṣār* — the Helpers — and commended the Migrants from Makkah to them on the plea that they were their brothers in faith who had left their hearth and home for the sake of Islam. It was, therefore the duty, of the Muslims of Madinah to help them. The Prophet (peace be upon him) proposed that every family of the Helpers in Madinah should adopt a family each from the Emigrants of Makkah.

The idea of brotherhood was not to encourage parasites subsisting on the generosity of their hosts but to enlarge a self-respecting family. The Prophet (peace be upon him) explained that a family of two would henceforth have two more members added to it and both would work with the result that their income would be doubled, and the standard of living would improve in the same proportion. No one would be a burden on the other. Everyone gladly accepted the proposal. The principle of cooperation and brotherhood immediately solved the problem of the few hundred families who were able to help themselves. After this solution of the problem, distinction between the affluent and the destitute disappeared. Both the Emigrants and their hosts in Madinah became one community. The difference between a refugee and a son of the soil was no longer divisive.

After having dealt with this serious problem the Prophet (peace be upon him) turned to another. Before his migration there existed no state in Madinah. The people were divided into tribes. There were about thirty of them. Each tribe was as independent and autonomous as the nation-states of modern times. The result was constant friction. Historians record that the *Anṣār* of Madinah comprised two principal tribes (in fact two large groups, each being divided into several tribes), i.e. Aws and Khazraj. There was a civil war going on for a hundred and twenty years. It was obvious that they could not have a common government in such a situation. Besides these Arabs, other people had also settled down in Madinah, e.g. the Jewish tribes. The Jews were several thousand in number. Roughly half the population consisted of Arabs and the rest comprised Jews. There was a small number of Christians whose exact strength is not known. An account places their number at fifteen and another at fifty but they were all part of the tribe of Aws.

NEED FOR A STATE

To establish a state in such a heterogeneous community seemed impossible. But it was really needed. After solving the problem of refugees by creating a brotherhood, the Prophet (peace be upon him) sent for representatives of all the groups of the Muslims and Jews of Madinah. It is stated in the *Ṣaḥīḥ* of Bukhārī, on the authority of Anas, a Companion, that the meeting took place in the house of his father. Among those present were representatives of the Jews and the Arabs. The Arab delegates represented the tribes of Aws and Khazraj — both Muslim and non-Muslim — as well as the Emigrants. The Prophet (peace be upon him) addressed this assembly along the following lines:

> You are divided at present into various tribes which are completely independent of each other with the result that in the event of one being attacked by an enemy from without, the rest of you remain neutral and one tribe alone has to face the collective might of the invader. This could lead to defeat and the final destruction of all tribes, one by one, if they fight the enemy severally. Wouldn't it be better if all of you join to form a single government so that the enemy knows that it would have to face the collective might of all the tribes of Madinah? Here, then, is a treaty which will provide safety from the enemy and will help improve the economic and social conditions of all the signatories.

The proposal was eminently reasonable. All, or at least most, tribes accepted it. I use the word 'most' purposely because four tribes of Aws did not, in the first instance, accept it.

This was not the sole purpose of collecting the assembly of the people of Madinah. We see another thing in the constitution, known as the Constitution of Madinah, about which everyone agreed. In most matters the tribes retained their former autonomy but in a few subjects powers were delegated to the central government. One of the central subjects was defence. War and peace were declared as indivisible. Tribes could not now declare war or make peace individually. Defence became a collective responsibility. This was an insurance against external attack.

The tribal system was retained to a large extent in the case of judiciary. However, in the event of the parties to the dispute belonging to different tribes, the case had to be referred to the centre. The court of appeal — if we can use this expression — was common, that is, the ruler of the city was to be approached in the last resort. The treaty included a clause about religious freedom. The Jews would follow their *dīn* and Muslims would follow theirs. And *dīn* was understood to embrace religion, law, justice, etc.

This document consisted of fifty-two clauses all of which have been preserved for posterity. One could say that this is the first written Constitution of the Islamic State.

A short while ago I hinted at the need for insurance. It is a strange phenomenon. The requirements of today are not relevant to the past and the needs of the past appear useless to us today. The Prophet (peace be upon him) was confronted with two pressing problems in Madinah. First, if a person killed another person by accident, that is, not deliberately, he had to pay blood-money. This sum, prescribed by customary law, was so large that only a very few among the tribe could afford to pay it by themselves. It was impossible for others to pay. The penalty was a hundred camels. The meat of one camel is enough to feed a hundred persons for a day. At this rate a hundred camels meant feeding a person for ten thousand days. This was the blood-money. The payment of such a large amount was not within the reach of the common man. The rich leader of the tribe alone could afford to pay it. But such incidents were a daily routine. A system of collective insurance was, therefore, devised. A killer alone was not to be considered responsible for the crime but the entire community was to share the responsibility and pay the blood-money.

The other requirement of the time — which is irrelevant today — was that a person taken prisoner by the enemy could buy his freedom. This also was expensive. A hundred camels was the price prescribed by customary law. It was not possible for a poor prisoner to secure release. He practically became a slave of his captor. An insurance company would come in handy in such a circumstance. The Prophet (peace be upon him) arranged to set up a unit in each tribe in Madinah. The Insurance Company paid the blood-money for murder or arrest in the event of the failure of the person concerned to do so. In case a unit was unable to meet the expense it was asked to call upon a neighbouring unit to help. When all the units of a tribe were unable to meet the demand the centre helped. This system was established in Madinah and it was incorporated in the written constitution.

The document embodying the Constitution of Madinah is a leading example of the official writing of *Ḥadīth.*

THE STATE OF MADINAH

The system of brotherhood took care of the Emigrants. The city-state then came into existence. This state comprised only one city. It provided for law and order, justice and other needs, but the Prophet (peace be upon him) did not stop at this arrangement. In response to the ultimatum of Makkah he visited the environs of Madinah. He went to the north and told the tribes there that even though they were autonomous and independent, they would be all alone in the event of an attack from an enemy. He advocated an alliance which assured mutual help in the event of an attack. The idea appealed to the tribes who accepted it and an alliance was formed. It was reduced to writing and the document has come down to us.

The Prophet (peace be upon him) undertook similar tours to the east and the south. In brief he visited the tribes from time to time and entered into treaty arrangements with various non-Muslim tribes in the second year of Migration. The process continued. The preliminary arrangement made in the early days of Islam catered for peace and solidarity within Madinah, and created a network of friendly tribes around the city-state. In the event of an attack, therefore, an enemy had to face the tribes outside Madinah in the first instance. This was a masterly stroke of political policy which helped ensure the security of Madinah.

Beside these one comes across many transactions which were reduced to writing, some of them being of a private nature. For example, the Prophet (peace be upon him) bought a slave. The document of this transaction is available. It gives details about the price, name of the person from whom the slave was purchased, etc. The Prophet (peace be upon him) freed a slave. The document on this score is also available. It states that so and so is being set free and that everyone should recognise him as a free man and that he should not be treated any more as a bondsman, etc. Another writing relates to a later period — perhaps 8 AH It is a letter from the Prophet (peace be upon him) to a resident of Makkah. It says: "As soon as the bearer of this letter reaches you, be it morning or evening, immediately send me the water of Zamzam". Similarly letters addressed to governors of various districts and provinces during a later phase when the Islamic State had expanded are also available. Governors asked for instructions on certain issues which were provided from Madinah. In brief, a large number of official documents have been preserved. At least four hundred letters of the Prophet (peace be upon him) have also been discovered. Some relate to the propagation of the faith e.g. those addressed to the Caesar and Chosroes inviting them to accept Islam. Others are treaties of alliance, etc.

Now let us deal with the other aspect of the written *Ḥadīth* which consist of traditions and are not state documents. The Companions of the Prophet (peace be upon him) began to compile them privately. Generally the Companions did not know how to read or write, but they were good and sincere Muslims. When they were living in Madinah they often visited the Mosque of the Prophet (peace be upon him). They would listen to the Prophet (peace be upon him) and act on his commands.

BEGINNING OF *HADĪTH* — COLLECTION

There took place an incident which presumably was the starting point of the collection of *Ḥadīth*. Tirmīdhī has it in his collection. It is related that a Companion, whose name has not been mentioned, came to the Prophet (peace be upon him) one day and said: "O Prophet! The things you tell us every day are extremely interesting, important and essential but I have a weak memory. I tend to forget them. What should I do?" The Prophet (peace be upon him) replied: "Seek the help of your right hand", i.e. write them down. Possibly he made use of this permission. What happened later is not known.

Another incident which is probably a consequence of the permission to write is that of ‘Abd Allāh ibn ‘Amr ibn al-‘Āṣ. He was a young man of about sixteen or seventeen; very intelligent, extremely religious and keenly devoted to learning. Later he learnt Aramaic in order to read the Bible. The Prophet (peace be upon him) encouraged him in his literary pursuits. When he heard that the Prophet (peace be upon him) had permitted a certain person to write down the *Ḥadīth* he also began to do so. He would take down whatever he heard from the Prophet (peace be upon him).

He had done so barely for a few days when his friends pointed out to him that the Prophet (peace be upon him) was only a human being. He was happy at times and was angry at occasions. It was not appropriate, therefore, to record all his utterances in all his moods. Another person would have acted on their advice to abandon recording the Prophet's sayings but ‘Abd Allāh ibn ‘Amr was a very intelligent man. He thought that instead of taking his friends at their word he should go directly to the source. The Prophet (peace be upon him), in answer to his enquiry permitted him to write: "Even when you are angry"? asked ‘Abd Allāh ibn ‘Amr. The Prophet (peace be upon him) replied: "By the One in Whose hands is my life! Whatever proceeds from here [pointing to his mouth] is the truth."

It is clear from this account that ‘Abd Allāh ibn ‘Amr ibn al ‘Āṣ wrote down the *Ḥadīth* with perfect equanimity. Some accounts suggest that his collection contained some ten thousand traditions. Based on his manuscript, his sons and grandsons imparted knowledge of *Ḥadīth* to succeeding generations. As a result, ‘Amr ibn Shu‘ayb ibn ‘Abd Allāh ibn ‘Amr ibn al-‘Āṣ, who was the grandson of ‘Abd Allāh, became a famous traditionist.

There are other examples of this nature. Abū Rāfi‘ was a freed slave. He too approached the Prophet (peace be upon him) for permission to write down the traditions. The permission was granted. He too must have compiled a collection. Of all these narrators Anas ibn Mālik is the most significant. He was barely ten years of age at the time of Migration. He was the son of parents who were very sincere Muslims. Anas himself narrates that his mother presented him to the Prophet (peace be upon him) at his house and said with great pride that her boy knew how to read and write. She then requested the Prophet (peace be upon him) to do her honour by accepting the boy in his service. Anas narrates that the Prophet (peace be upon him) acceded to his mother's request and he remained in his house until his death. For ten years he had the rare privilege of observing the public and private life of the Prophet (peace be upon him). He saw what the Prophet (peace be upon him) did in the mosque; at home he observed how he dealt with his wives. He saw what he ate, how he slept; in fact, he observed everything.

It is obvious that such an opportunity was not available even to the most eminent Companions. Abū Bakr and ‘Umar could not see the Prophet (peace be upon him) from such close quarters. Anas narrates that the number of Muslims increased after the death of the Prophet (peace be upon him) and they were all anxious to learn about his life.

A large number of pupils, therefore, came to him. He would, on such occasions, take out an old piece of writing from his box and say that he had noted down what he observed and presented the notes to the Prophet (peace be upon him) from time to time. The Prophet (peace be upon him) used to correct any omission or mistake. This collection of Anas must have had a few thousand traditions. It could well be considered the most authentic book of traditions because the Prophet (peace be upon him) himself used to correct it after listening to the narrator.

EARLY COMPILATION OF *ḤADĪTH*

There are more examples of this kind. *Ḥadīth* was compiled with the permission of the Prophet (peace be upon him) during his life-time. Bukhārī's collection does not contain more than two thousand traditions. According to some accounts, the collection of 'Abd Allāh ibn 'Amr ibn al-'Āṣ contained ten thousand traditions. You can judge for yourself what a large number of traditions had been reduced to writing during the life-time of the Prophet (peace be upon him). Unfortunately, however, all of them are not available to us in a book form. The later compilers spread them over in various chapters. Some of the traditions in the collection of 'Abd Allāh ibn 'Amr ibn al-'Āṣ were included in one chapter while others were written down in another. His original collection has not reached us.

In any case it is perfectly clear that the process of collection had started during the life-time of the Prophet (peace be upon him) and that additions too continued to be made. After the death of the Prophet (peace be upon him) the number of Companions who considered it necessary to record their memoirs on this score increased. They did not think of it during the life of the Prophet (peace be upon him). After his departure, however, they felt that the legacy, unless preserved, would be lost to posterity. We come across the mention of many a collection of this kind in the books on *Ḥadīth* e.g. Samurah ibn Jundub, 'Abd Allāh ibn Mas'ūd, Sa'd ibn 'Ubādah and many other Companions. Of one of these Ibn Ḥajar has written: "It contains great knowledge". Of another collection he says that it was voluminous.

NARRATIONS OF COMPANIONS

This was one kind of collected *Ḥadīth*. Another was what people narrated from the Companions e.g. a person needed to find out something about an issue. He would write to some senior Companion in the hope that he would know. In reply the Companion concerned would state that he had heard it from the Prophet (peace be upon him) or that he had seen him do that. This process of collection and collation of traditions continued through correspondence with senior Companions. Among them we see such revered names as 'Ā'ishah, the wife of the Prophet (peace be upon him). She used to receive a large number of enquiries to which she always replied. The other eminent Companion is 'Abd Allāh ibn abī 'Awf. Of him it is mentioned in the *Saḥīḥ* of Bukhārī that whenever he received a letter he promptly responded. This was also the case with Mughīrah ibn Shu'bah. People like

Mu‘āwiyah, the Umayyad Caliph, used to write to him to ascertain his views on leading issues.

In the beginning when *Ḥadīth* was collected by Companions in the manner we have indicated, their collections were named after them. For example, a person in some city would go to Abū Hurayrah and collect the traditions heard from him. He did not have the opportunity of learning from the Companions who lived in other cities, with the result that in the early phase traditions were collected Companion-wise. The traditions narrated from individual Companions were reduced to writing and after two or three generations, all the available traditions came into the knowledge of all scholars.

There is an interesting anecdote about Abū Hurayrah. He is one of those Companions who were late-comers to Islam. He became a Muslim in 7 AH i.e. only three years before the demise of the Holy Prophet (peace be upon him). Even then a large number of traditions have been attributed to him. He himself explains the reason. "Other Companions remained busy all day with their trade and conducted their business while I stayed content in the Prophet's Mosque. The opportunity that I had of listening to the discourse of the Prophet (peace be upon him) was not available to eminent Companions."

Abū Hurayrah had a sharp memory and a yearning for knowledge and knew how to write, with the result that he wrote down many traditions. During his last years one of his pupils, Ḥasan ibn ‘Amr ibn Umayyah al-Ḍumrī reminded him of a certain tradition that he had narrated to him. Abū Hurayrah could not recall it and emphatically denied having made the statement attributed to him. He got hold of the pupil's hand and led him to his house saying on the way that if he had really related the *Ḥadīth* in question, it should be available with him in writing. When he came home, he took out a volume from a cupboard, turned its pages but could not find the required narration. One by one, he took out the other volumes and began examining them until he cried out with glee: "Didn't I tell you that if I have made the statement it should be available with me in writing? Here it is! You are quite right!"

Abū Hurayrah's method of work was scholarly and indeed interesting. He did not make his pupils learn one and the same thing. Instead he taught different traditions to different students. For Hammām ibn Munabbih he compiled, for example, a special volume comprising about one hundred and fifty traditions. This is known as *Ṣaḥīfaṭ Hammām ibn Manabbih.* He would compile a fresh volume for another student which would be known by that particular student's name. In brief, Abū Hurayrah knew thousands of traditions by heart and the numerous volumes he compiled for his pupils are still intact.

PROHIBITION TO WRITE *ḤADĪTH*

There are traditions which indicate that the Prophet (peace be upon him) forbade the writing down of his sayings and deeds. We also come across traditions which clearly suggest the "help of the right hand", i.e. a command to write down what the Prophet (peace be upon him) says for he cannot utter a wrong word. How do we reconcile the two statements? This difficulty no longer exists.

A number of Companions have stated that the *Ḥadīth* should not be written down but they do not attribute their statement to the Prophet (peace be upon him). We need not discuss the views of the Companions but we have to take account of those who suggest that the Prophet (peace be upon him) told them not to write down his traditions. We find three Companions in this category. One is Abū Hurayrah who has recorded a large number of traditions. The other is Zayd ibn Thābit and the third is Abū Sa'īd al-Khudrī. So far as Zayd ibn Thābit and Abū Hurayrah are concerned, experts on *Ḥadīth* have rejected the statements attributed to them. They hold that the intermediary narrators are not reliable. They have made a mistake and according to the principles of *Ḥadīth*, their statements are not acceptable. Only the statement of Abū Sa'īd al-Khudrī is important from the point of view of the principles of *Ḥadīth* because an authentic collection like the *Ṣaḥīḥ* of Muslim contains the following words: "The Prophet (peace be upon him) told us not to write down any traditions from him and asked us to erase them if we had already written them."

In the presence of this tradition the question arises whether the statement related to a particular context or it was a general rule. Professor Muṣṭafā al-A'ẓamī, who is an expert on *Ḥadīth*, has contributed an interesting piece of research on the subject. He says: "Imām Bukhārī has rejected the tradition narrated in the *Ṣaḥīḥ* of Muslim on the ground that it was based on a misconception. In fact this was the personal opinion of Abū Sa'īd al-Khudrī which for some reason has been attributed by an intermediate narrator to the Prophet (peace be upon him)". No proof, in accordance with the principles of *Ḥadīth*, is available to uphold the veracity of the tradition that the Prophet (peace be upon him) forbade the writing down of tradition. Assuming that the Prophet (peace be upon him) at some time gave the prohibitory order, it is easy to clarify the confusion. The order must have been given in some specific context. We have the example of Abū Hurayrah, an extremely religious man, who scrupulously carried out instructions contained in the *Ḥadīth*. Had the Prophet (peace be upon him) prohibited the writing down of the *Ḥadīth* he would not have written the many books that he has.

It is possible that the prohibitory order related to a certain circumstance and that at the time of recording that context was not mentioned e.g. the sayings of a certain day were not written then but were recorded later in accordance with the general permission. There must be a certain context. The Prophet (peace be upon him), for example, according to the *Ḥadīth* one day narrated to the Muslims the events which were to befall them until the day of Resurrection. He gave them details of the countries they would conquer, the lands they would visit, and referred to several other events. Some Companions, it is reported, asked why it was necessary for man to strive if the future had already been determined. The Prophet (peace be upon him) replied that effort was also pre-determined, and that it would have to be made. It is possible that on that particular day the Prophet (peace be upon him) forbade the writing of traditions lest some of his followers might conclude that personal effort was not necessary because the future had already been determined. It is also possible that there might be some other reason.

Some books of *Ḥadīth* are also attributed to Zayd ibn Thābit. However, the fact that the most eminent Companions such as Abū Bakr, ‘Umar and ‘Alī are not mentioned to have compiled any works about *Ḥadīth* whereas lesser Companions are reported to have done so raises the question: "What did these eminent Companions do about the *Ḥadīth*?" It is related about Abū Bakr that after the death of the Prophet (peace be upon him), he devoted the rest of his short life of two and a half years, to the compilation of a volume of *Ḥadīth*. It contained five hundred traditions. He entrusted the manuscript to his daughter, ‘Ā’ishah. The day he handed over the volume to her he stayed in the house of ‘Ā’ishah and spent a sleepless night. She is reported to have said that her father was so restless that she feared he had fallen ill. She did not have the courage to ask him even the next morning. Abū Bakr himself started the conversation. He asked his daughter to bring the book he had given her. When she gave him the manuscript Abū Bakr washed it away with water. He said: "It has some traditions which I have heard myself. I can vouch for them. But it has also some traditions which I have heard from other Companions. I fear that the words I have used there might not be exactly those uttered by the Prophet (peace be upon him). I do not want to attribute to him a word which was not his and was employed by another to express the Prophet's intent."

This *ḥadīth* also brings out the point that had the Prophet (peace be upon him) forbidden Abū Bakr to write down *Ḥadīth*, he would not have prepared the volume that he had. His action to wash away what he had written down was not due to the prohibitory order but because of the fear that he might not attribute words to the Prophet (peace be upon him) which he had not uttered.

A similar tradition is also narrated about 'Umar. At one time he tried to compile *Ḥadīth*. He consulted a number of people and they all advised him to compile it. But after a good deal of debate 'Umar opted against it. He said: "Before us followers of various Prophets acted upon their words and preserved them but they forgot the book revealed by God and deviations started. I do not wish the Qur'ān to meet the same fate."

That 'Umar once intended to compile the *Ḥadīth* and later gave up the idea, also goes to prove that the Prophet (peace be upon him) had not forbidden the writing of *Ḥadīth*. For had this been the case 'Umar would not have initiated the idea which he gave up in order to ensure that the attention of the people was not diverted from the Qur'ān.

'Alī, during the days of his Caliphate, once said: "Whoever can afford to spend a *dirham* let him buy paper. I will dictate traditions. Let him take down." One of his Companions went to the market and bought paper worth a *dirham*. 'Alī dictated a number of traditions which remained safe in his custody. This incident also proves that the Prophet (peace be upon him) did not prohibit the writing down of his traditions, or else eminent Companions like Abū Bakr, 'Umar and 'Alī would not have dared write or dictate them.

QUESTIONS AND ANSWERS

Question

Why do we disagree on books of *Ḥadīth?* The Sunnīs have six collections of authentic traditions known as *Ṣiḥāḥ Sittah* and others, but the

Shī'ah reject them all and rely on their own books. What is the reason for such differences?

Answer

The work of collecting, collating and preserving the *Ḥadīth* and carrying it forward from one generation to another did not start under official auspices either in the life-time of the Prophet (peace be upon him) or his four successors. Different individuals privately undertook it on their personal responsibility. Suppose for a moment that there was a class of fifteen students learning this subject from one teacher. It is obvious that everyone would not have the same capacity to learn. On this account a tradition heard from the same teacher by two different students will be narrated by them in ways different from each other. This difference is natural and cannot be eliminated particularly when the substance of a statement and not necessarily its exact words are reported.

In this process one comes across delicate situations when the change of a word can alter the meaning of a statement. One man has a good memory while the other is devoid of this gift, or it could be that a man had a good memory at one stage of his life and not so good at another but nevertheless he continued to teach. That is why we see discrepancies in the *Ḥadīth*. One of the reasons is that a narrator could have made a mistake. Another could be that the Prophet (peace be upon him) gave a particular order at a preliminary stage and subsequently abrogated it and gave a new order. Under the circumstances, Companion A has the first version but not the second or the third. It is obvious that there will be a discrepancy between the statements of A and the other Companions coming after him. The reason is that sometimes in view of the limitations of a community or in some other context, an order given in the first instance needs later to be revised. I have already cited an example, i.e. the case of male and female date-palms. The Prophet (peace be upon him) personally gave a clear order and cancelled it later.

Another example is even more interesting. Worship of graves has been a common failing in human society. It was also prevalent in Arabia before Islam. The Prophet (peace be upon him) forbade visits to graveyards in order to stop this custom. The idea was to encourage people to seek favours from God rather than the dead men in the graves. A little later, however, he restored the previous practice with the words: "Listen! I forbade you to visit graves. Now you may do so." The original order was rescinded, not because the Prophet (peace be upon him) had changed his opinion but because the context had changed. Indeed he had wanted to stop people from visiting graves but a lesson is also learnt in a visit to a graveyard; the visitor ponders over the fact that he too has to die one day and that he should, therefore, prepare for the eventuality. It was in order to promote such thinking that the permission to visit graves was given. The possibility of grave-worship was eliminated by means of religious instruction.

The difference of opinion about *Ḥadīth* is inter-sectarian. Differences of opinion exist between the sects as well as within the members of each sect. Experts on *Ḥadīth* have not been remiss in removing these difficulties. They have tried to resolve the issue by various means e.g. they insist on a chain of narration, a feature peculiar to Muslims, and practically unknown to others. For example, if we refer to a fourteen hundred years old tradition and attribute a statement to the Prophet (peace be upon him), the reference will be considered incomplete. On the contrary, if we state that our teacher Mr. A said that his teacher Mr. B, C or D — thus citing names of all teachers from generation to generation said that he heard a particular Companion say that he heard it from the Prophet (peace be upon him); this reference would be considered complete. In the books of *Ḥadīth* there are brief statements covering a line or two preceded by a long chain of names. The traditions narrated by Bukhārī, one of the oldest collectors of *Ḥadīth*, sometimes start with three intermediate narrators, the maximum number being nine, and culminate with the Prophet (peace be upon him). This means that in the course of some three hundred years nine generations of narrators had related that *Ḥadīth*.

To verify whether a reference is complete or not we need books of biographies with detailed accounts of all narrators. For example, a statement is made that were students of Abū Hurayrah. If we come across a statement that *A*, *B* or *C* narrates that "Abū Harayrah stated. . . ." With the help of the books of biographies one could say that since it is established that all narrators are reliable and their relationship is that of a teacher and a student, the statement in question is acceptable. One will also have to evaluate the personal character of each narrator — his reliability, his memory, etc. Furthermore, one will have to examine who among them was the teacher and who was the pupil so that with the help of books of biographies we could determine whether the reference to the narrators is fictitious or genuine.

After this came the science of principles of *Ḥadīth*. These principles laid down the line one should take if a *ḥadīth* contained statements which militated against common sense or reason. In the event of other defects and shortcomings, rules for their resolution were also laid down.

Muslims formulated two principles — correct narration of a statement and its rationality *(dirāyah)*. According to the principles governing the narration of a statement one will have to examine whether the narrators are real or fictitious, whether they are persons of integrity or have a reputation of being liars, whether they have a teacher-pupil relationship or not. This has traditionally been the criterion for judging the authenticity of a narration.

According to the principle of rationality *(dirāyah)* one examines whether a statement is rationally sound. Let us suppose there is a *Ḥadīth* which refers to an incident taking place in Bahawalpur at a certain time. In such a case, one will have to consider whether the city called Bahawalpur in fact existed at that time. If that city did not exist, its mention might be because of some error that might have been committed by one scribe or the other, or else the *Ḥadīth* is fabricated.

Perhaps the Prophet (peace be upon him) did not refer to Bahawalpur but used some other word which has been corrupted in the course of time and has become Bahawalpur. We will have to find an answer to these and other questions through rational analysis, and we could then resolve the incongruities and inconsistencies in accordance with the principles evolved by the science of *Ḥadīth*.

Similarly, there could be a conflict between two traditions. One prescribes a certain course of action, the other forbids it. The way to resolve these difficulties is available in books on principles of traditions. It is possible for example that an order might be of an earlier, and another of a later period. The later period will naturally cancel the earlier. It could also be that an order might be general while the other might be meant for a particular occasion.

There are different ways to resolve the inner contradictions in each tradition as well as contradictions between different traditions. Muslim scholars have paid due attention to this subject. No other nation can claim even a fraction of the expertise to determine the veracity of historical accounts. For instance, the compilation of the Gospels, their preservation and transmission from one generation to the other, has not taken place in the way which governed the books of *Ḥadīth*. On the contrary, we have no knowledge of Gospels until after three hundred years of the death of Christ. We do not know who wrote them, who translated them, and who transmitted them. How were they transferred from the original Aramaic to Greek? Did the scribes make arrangements for a faithful reproduction of the original?

The four Gospels are mentioned, for the first time, three hundred years after Christ. Should we rely on such an unauthentic book in preference to that of Bukhārī who prefaces every statement of two lines with three to nine references? A question would arise: what is the proof that Bukhārī has made a truthful statement? Is it not possible that he could fabricate a tradition and attribute it to a few narrators and end the chain with the Prophet (peace be upon him)? The objection appears rationally valid but really it is baseless. The reason is that the books of the narrators who have quoted the *ḥadīth* are also available to us for verification.

There is no valid reason, therefore, to cast any doubt on Bukhārī. He says, for example, that Imām Aḥmad ibn Hanbal narrated to him a certain tradition and stated that it was narrated to him by ʻAbd al-Razzāq ibn Hammām, who in turn heard it from his teacher, Muʻammar, who claimed that his master Hammām ibn Munabbih heard it from Abū Hurayrah, the Companion of the Prophet (peace be upon him), who in his day heard it directly from the Prophet (peace be upon him). We have the book of Bukhārī with us. In case we had no knowledge of the intermediary narrators we could have presumed, as an academic exercise, that Bukhārī was perhaps unreliable. But if we have the book of Aḥmad ibn Hanbal, who is the teacher of Bukhārī, and we find the tradition in question narrated exactly in the same way without any difference, then we will have to concede that Imām Bukhārī is reliable because he has faithfully reproduced the version of Aḥmad ibn Hanbal in exactly the same words as used by him.

We could suspect the statement of Ahmad ibn Hanbal and question his claim that he heard the *ḥadīth* from ʻAbd Razzāq ibn Hammām if the latter's book had not been available. Thank God that ʻAbd al-Razzāq ibn Hammām's, *Muṣannaf* is extant, and has now been published. He too bears out Bukhārī's version. Similarly we have fortunately found *al-Jāmiʻ*, the book of Muʻammar ibn Rāshid who was the teacher of Hammām ibn Munabbih. This also contains the same statement in the same words. The *Ṣaḥīfah* of Hammām ibn Munabbih has also been published. It confirms the veracity of Bukhārī's statement at our disposal. If all of them contain the same version it would be unfair on our part to cast aspersions on the integrity of Bukhārī. Reason demands that we accept the *ḥadīth* in question as being entirely reliable.

There are traditions which confirm each other. For example, if Tirmidhī has narrated the same tradition based on another chain of authorities it is impossible to believe that fifty persons belonging to various periods of history could agree in advance to narrate an untruth. In brief, these are the technical principles which are applicable to the narration of *Ḥadīth*. No other book, not even most of the religious scriptures like the Torah, the Gospels, etc., have been subjected to the same exacting rules which govern the authenticity of *Ḥadīth*.

In principle it is correct to say that there can be a difference between the Shī'ī and Sunnī books of *Ḥadīth* but in practice this is a mere presumption. There is certainly a different chain of narrators. For example, I make a statement on the basis of a tradition heard from Abū Bakr while the same tradition is narrated by a Shī'ī narrator on the authority of 'Alī.

The presumption that there is a difference in all the Shī'ī and Sunnī traditions is incorrect. The difference exists only in the case of narrators, and not in the contents of the traditions narrated. Rarely is there any contradiction. So far no specific evidence has been discovered to warrant the conclusion that the Shī'ī books contain one order about a particular problem while the Sunnī books suggest a contrary solution.

The differences that we come across are of another nature. The Sunnīs, in particular those belonging to the Ḥanafī, Shāfi'ī and Ḥanbalī schools, say their prayers with their arms folded against their chests; the Shī'īs keep their arms straight on their sides. This is not because there is a difference in the *Ḥadīth* but because the Prophet (peace be upon him) himself has prayed in both manners. The point is easy to understand. Suppose, for example, the Prophet (peace be upon him) sustained an injury during a battle and could not fold his hands. What would he do in such a situation except to pray without folding his hands? Someone saw him in that posture and did not have an opportunity to see him later in the other when he resumed folding his hands against the chest. Such a person would act on the practice of the Prophet (peace be upon him) which he saw. This aspect assumes a particular significance for us.

As I mentioned earlier, a teacher of mine in the primary school explained this point some sixty-five years* ago to me and I cannot forget it. God Almighty, he said, loved the Prophet (peace be upon him). For the Prophet's sake God desired to preserve every action of his until eternity. Through people such as the Shī'ī he preserved his practice of praying without folded arms, while he preserved his precedent to pray with folded arms through another group. The difference that we notice in practice, therefore, proceeds not through a faulty recording of the tradition, but through the observation, at different times, of the actions of the Prophet (peace be upon him). We should, therefore, develop an attitude of mutual tolerance.

Instead of recrimination over a difference in the narration of *ḥadīth*, we should presume that the Prophet (peace be upon him) pronounced a verdict in a particular case and gave another when the context changed. Let us take another example — which is in the news these days i.e. amputation of hands for theft. The Sunnīs suggest the severance of the hand from the wrist, while the Shī'īs uphold the cutting of fingers only. Do not imagine for a while that this is due to a difference in the *Ḥadīth*. In the traditions preserved by the Sunnī scholars it is also mentioned that the Prophet (peace be upon him) once ordered fingers to be severed. In such a circumstance, instead of making it a basis for sectarian differences we should learn to tolerate each other and try to act on the tradition according to our own school. There is no point in trying to eliminate such differences altogether for this is not possible.

Question

Did Abū Hurayrah know how to read and write? Even though he related a large number of traditions, one of them relates that he used to say that 'Abd Allāh ibn 'Amr ibn al-'Āṣ knew more than him because he could write while Abū Hurayrah could not.

Answer

There is no contradiction in this statement. Abū Hurayrah knew not only how to write Arabic but he also knew the Abyssinian language. He knew Persian and other languages as well. He was indeed an eminent scholar. 'Abd Allāh ibn 'Amr started writing before him. Abū Hurayrah thought of it later.

---

*The author made this statement in 1980. Ed.

It is obvious that ‘Abd Allāh ibn ‘Amr had compiled a large number of traditions in writing but Abū Hurayrah who also knew these traditions did not have them in a written form. The other point is that ‘Abd Allāh ibn ‘Amr was an early convert having accepted Islam during the Makkan period, while Abū Hurayrah became a Muslim in 7 AH It is clear that a person who began writing earlier would have a larger collection of traditions but a person who knew writing but began later to write the traditions would have a smaller number. There is no contradiction in the two statements.

Question

You just mentioned in your lecture that the Prophet (peace be upon him), in response to a question by a Companion, stated: "By God! Whatever flows from my tongue is from Allāh." That is to say that the Prophet (peace be upon him) does not utter a word without the will of God. But some ‘*ulamā*’ suggest that one may differ with the Prophet (peace be upon him) for all his sayings are not necessarily infallible. Could you kindly comment?

Answer

I have already explained that if the Prophet (peace be upon him) comes to know of anything through revelation his statement would be based on it. In case he is still awaiting a revelation and an emergency occurs in the meanwhile, he will resort to an act of *ijtihād* i.e. he would give direction in accordance with his own reason. In this connection I invite your attention to the *Ḥadīth* which says: "I would not have consulted you if I had received the revelation".

It is clear from the above that on occasions the Prophet (peace be upon him) waited for a revelation and resolved problems in the meantime by exerting his own reason (*ijtihād*). Some of the orders that he gave in such circumstances were later abrogated by the revealed word. In this connection the question of the treatment of prisoners of war is relevant.

The question arose during the Battle of Badr. In the absence of revealed guidance, and while waiting for it, the Prophet (peace be upon him) consulted his Companions. ‘Umar advised that they should be put to death for they would never accept Islam and would remain its inveterate foes. Abū Bakr disagreed. He thought it was quite possible that their progeny might accept Islam. He advised against killing them and recommended ransom for their release. The Prophet (peace be upon him) accepted the recommendation and ordered that the prisoners of war should be released after they had paid ransom money. God did not approve of this decision. He said: "Had there not been a decree from Allāh which had gone before, great distress would have surely overtaken you in connection with that which you took". (8:68)

You have seen that in the absence of revelation the Prophet (peace be upon him) took decisions at occasions, with or without consultation, to meet a given situation on the basis of his own discretion. Sometime such decisions were not approved. They were abrogated by revelation. I should explain this a little more.

There are verses in the Holy Qur'ān exhorting Muslims to act on the law of the Prophets of old. The Torah contains a command that booty obtained from an enemy should be burnt. It belongs to God. "Burn it in order to deliver it to Him. Do not avail of it yourself", says the Torah. In the absence of a fresh directive on the subject it was expected of the Prophet (peace be upon him) to act on the old Divine instructions. For some reason the Prophet (peace be upon him) did not act accordingly. At this God revealed the verse: "Had there not been a decree from Allāh which had gone before, great distress would have surely overtaken you . . ." (8:68). In any case, there is no difference between the two. Take the tradition "that nothing comes out of my lips which is not the whole truth", to mean that either the Prophet (peace be upon him) explains a thing received through revelation or through exertion of personal reason. He says nothing in either case deliberately to mislead anyone. He commends only that which is not forbidden by God and is considered the best possible. There is, therefore, no contradiction between the two stands.

Question

What are the arguments employed by people who indulge in false propaganda by suggesting that the *Ḥadīth* was compiled three hundred years after the Prophet (peace be upon him)?

Answer

Such people consider the *Ṣaḥīḥ* of Bukhārī which belongs to the third *Hijrah* century as the oldest book of *Ḥadīth*. But they ignore the period intervening between Bukhārī and the Prophet (peace be upon him) during which Bukhārī's teacher, and in turn the teacher of Bukhārī's teacher, collected the *Ḥadīth*. The missing links have since been provided. The old objection raised by Goldziher on this score is no longer valid.

Let me tell you an anecdote in this connection. I wrote a paper in German which was published in a German journal a few years ago. It dealt with the same issue and argued that the old thesis of *Ḥadīth* having been compiled three hundred years after the event has been eroded. A German professor published a paper in the same journal some six months after the publication of my article. He repeated the old arguments about the unreliability of *Ḥadīth*.

It has always been my principle to refrain from criticising anyone. I try to present facts in a manner that a critic would find an answer to his objections in the narration itself. When the article of the German professor was published the editor of the journal wrote a footnote suggesting to the author that he should read my article published in a particular issue of the journal. One can judge for oneself the principle which is best pursued in such cases.

Question

Why is *ḥadīth qudsī*, which is couched in the words of God, not included in the Qur'ān?

Answer

The Prophet (peace be upon him) did not consider it necessary to do so. It would have added greatly to the bulk of the Book. It was better to keep it compact. To provide the necessary emphasis the Prophet (peace be upon him) occasionally explained certain problems which have been recorded both in the ordinary *Ḥadīth* and the *Ḥadīth qudsī*. There is nothing in the latter category which is considered an addition to the Qur'ān. In fact it is a restatement of the Qur'ān.

Question

You stated that a system of insurance existed during the days of the Prophet (peace be upon him). Could you kindly elaborate whether the system now obtaining is different from the old one because modern insurance is considered to be violative of the *Sharī'ah*?

Answer

There are two systems of insurance in vogue today. One is capitalist and the other is co-operative. In the former system, capitalists establish insurance companies and charge clients a sum which is more than the risk covered by an insurance policy. The capitalist collects all the profit. In the co-operative system the clients share the profit. Take the automobile insurance as an example. Five hundred persons enrol as members and each pays an annual subscription of a hundred rupees. In the first year the revenue of the company may amount to Rs. 50,000 while it might have paid only Rs. 2,000 to a member involved in an accident. Besides it incurred an expenditure of Rs. 10,000 on the salaries of the staff. The rest remained safe in its custody. The next year, therefore, members may be required to pay less than one hundred rupees for their annual subscription.

The capitalist pockets the entire profit in the capitalist insurance system but the clients share the profit in the system of co-operative insurance. The system obtaining in the days of the Prophet (peace be upon him) resembled the co-operative system more than the other one. In fact it was based on mutual help and cooperation. All members of a tribe contributed a small sum to the tribal treasury. In the event of an accident the accumulated capital was used to pay the fine of a member. Then the system was extended to ensure that if a tribal treasury could not meet the requirement, it could get help from a neighbouring committee. In the event of such a committee not having the necessary funds at its disposal, the centre was eventually held responsible for payment of the claim. These were the two different systems which I cannot explain fully in all their technical details.

Question

After the confession of a mistake by a person is it necessary to punish or fine him? Is pardon against the principles of Islam?

Answer

I take it that by 'mistake' you mean a crime. There are two kinds of crimes — one for which a penalty has been prescribed by the *Sharīʿah*, it is called the limit (*ḥadd*) e.g. theft, drinking, murder, etc. There are seven or eight crimes for which specific penalties have been ordained. There is no pardon in such cases. If a person has committed a theft, for example, his hand will be cut off even though he seeks pardon. In the case of murder the judge will pronounce the punishment of death but the near relations of the murdered man have the right either to demand ransom or forgive altogether. All these details can be seen in books on *Ḥadīth* and jurisprudence.

Question

Why is an orphan deprived of the right to inherit from his grandfather? What is the motive behind it?

Answer

Law is based on principles and a principle can sometime hurt a person. A general principle cannot be changed because a particular person has suffered on this account. The general principle is that in the event of death, some relations of the deceased are entitled to inherit in accordance with the formula laid down in the Qur'ān. If by chance someone suffers on this account the remedy has also been spelled out in the Qur'ān and the *Ḥadīth*. There also is the law of testamentary disposition in Islam which makes it possible for a person to will a share of his property to a person who is not otherwise entitled to inherit him. The general principle is that the son should inherit. The sons of the son, in turn, will inherit from him and not from the grandfather. But in a particular case where the father is already dead, the grandfather can will a portion of his property to his grandson. This provision for special cases obviates the necessity of changing the general law. It solves the difficulties and complications of individual cases without changing the general law. The philosophy of law in Islam stipulates that law should embrace all and that the exceptions should be made only in cases of genuine necessity.

⁂

THREE

HISTORY OF JURISPRUDENCE

We need not be apologetic about the sources of our faith i.e. the Qur'ān and the *Ḥadīth.* No other people in the world can boast of having received the fundamentals of their faith with greater care and accuracy. Let us now consider how Muslims derived their law, which is still valid, from the two authentic sources.

The Holy Qur'ān is the word of God. The *Ḥadīth* is the word of the Prophet (peace be upon him) who explains, in his own words, what is revealed to him. But what is one to do in case a problem is not dealt with by both? The answer is provided by the Prophet's instructions to Mu'ādh ibn Jabal at the time of his appointment as Governor of Yemen. He is a well-known Companion who, had he lived longer, might have been the greatest jurist of Islam. On the eve of his departure for Yemen he was received in an audience by the Prophet (peace be upon him) who asked: "How will you decide cases referred to you?" "By the Book of God," he answered. The reply was correct, but the Prophet (peace be upon him) asked: "What if you do not find the answer in it?" Mu'ādh ibn Jabal said: "By the *Sunnah* of the Prophet (peace be upon him)." This reply was also correct. But the Prophet (peace be upon him) persisted: "What if you don't find the answer there either?" He responded that in that event he would exercise his own reason and try to seek a solution. The Prophet (peace be upon him) was plainly pleased with the answer. Raising his hands towards the sky he proclaimed: "O Allah! I am happy at the response of the messenger of Your Messenger." He upheld the view of his envoy to Yemen and agreed that he was thinking along the right lines.

If the Holy Qur'ān and the *Ḥadīth* were to be found unable to meet all human requirements, the Muslim *ummah* would have possibly felt helpless. This would have been wholly inappropriate for a faith which is valid until the end of time. That is why the Prophet (peace be upon him) prescribed the use of personal reasoning (*ijtihād*) in case a clear ruling was not available in the Qur'ān and the *Ḥadīth*.

CONCEPT OF LAW

Fiqh is an Arabic word which means 'to understand', and its technical meaning is "law". The concept of law is explained in a beautifully subtle parable in the Qur'ān: "The similitude of a good word is like a good tree whose root is firm and whose branches reach into heaven" (14:24). In other words, the source of law is a small seed but the tree which sprouts forth from it reaches the sky and its branches cover everything. This is exactly the case if we consider the Qur'ān and the *Ḥadīth* as the root or the seed. We shall see that the tree sprouting forth from it has become so strong, with all its sprawling branches, that it is able to meet all human requirements till the end of time. And it is obvious that branch by branch the tree keeps growing constantly. Its growth is neither stunted nor static.

It will be appropriate to begin with a preliminary comparison of Islamic law with the laws in other civilisations. The Romans, according to historians, were the greatest law-makers. No other nation is considered their equal in this field. This claim is perhaps correct in so far as Europe is concerned. The Greeks who preceded them made a mark in many fields of knowledge but their contribution to law is not so eminent. One has to concede, therefore, that in the field of law, Rome is the pioneer in Europe.

Colinet, the famous historian of Roman Law, says that the Roman law was primitive in the beginning. He frankly admits that the Romans were influenced by Asian laws with which they came into contact with the expansion of their empire. Gaius, the oldest author of Roman law, was a resident of Asia Minor which is now Turkey. He was not a European. Roman law subsequently became more comprehensive because the Roman Empire covered the continents of Europe, Africa and Asia. Romans ruled over various nations with the result that they had to make additions to their own law which was amended, changed and expanded to meet the demands of the new situation. Justinian, who died a few years before the birth of the Prophet (peace be upon him), tried to codify Roman law in its amended form. In a way we can compare the code of Justinian with *Fatāwāi 'Ālamgīrī.** Aurangzīb 'Ālamgīr (*d.*1707) was certainly a patron of knowledge but he was not an outstanding scholar or jurist. The same applies to Justinian. He was a very intelligent king but was by no means an expert in law. He patronized scholars and invited them to collect and revise the laws of the empire some of which suffered from inherent contradictions. This is how a code of law came into being. For Europe, it is a matter of great pride.

---

*The Mughal emperor Aurangzīb appointed a committee of eminent scholars that compiled a comprehensive code of Islamic Law which is known as *Fatāwāi 'Ālamgīrī.*

The Roman law is certainly interesting. It has many features which are still applicable and need no change. The law is based on the premise that man is the law-maker i.e. a man can accept or reject the law made by another man. The result is that man-made law lacks stability. Historians state that during his reign of thirty odd years Justinian himself made so many amendments to his own law that it was changed out of recognition. On the other hand, if the commandments of God are made the basis of law, it becomes stable, lasting and durable — qualities which cannot be expected of man-made laws. All men being equal, they can challenge laws made by other men like them and can even reject them. The same phenomenon is observed in many other countries.

When the Prophet (peace be upon him) was invested with his mission, the world faced a great legal challenge to produce a better code than the Roman law. The challenge was taken up by the Prophet (peace be upon him) who produced a code which is in reality superior to that of Justinian. It does not suffer from the drawbacks of the Roman law and has strength, durability and permanence. The Roman Law is devoid of breadth and comprehensiveness found in Islamic law. The code of Justinian, for example, takes no notice of the religious needs of man and omits prayers and worship altogether. Similarly, many other features of Islamic law are conspicuous by their absence in the Roman law. Anyone who objectively compares the two will inevitably come to the conclusion that the Islamic law is definitely superior.

SOURCES OF ISLAMIC LAW

Islamic law comprises Divine commands revealed to the Prophet (peace be upon him). Part of the revelation was personally dictated by the Prophet (peace be upon him) who proclaimed that it was the word of God. This is called the Qur'ān. The Prophet (peace be upon him) exhorted his followers to commit it to memory and recite it in their prayers lest they forget. He gave other orders as well. According to the Qur'ān (see 53:3-4), those orders were also based on Divine revelation but did not form part of the Book. They are called the *Sunnah*.

The commands of God and the orders of the Prophet (peace be upon him) i.e. the Qur'ān and the *Sunnah*, were not compiled overnight. The revelation of the Qur'ān is spread over a period of twenty-three years. This is also true of the *Ḥadīth*. But in the very beginning there were no guidelines except the first five verses of *sūrah al-'Alaq*. What, then, was the Islamic law for the early converts? The answer is simple. In Islam, the principle prevails that an act which is not forbidden is lawful. In other words, except for idol-worship all other customs of the social life of contemporary Makkah were permitted. The early Muslims could use intoxicants for they were not then prohibited. Thus Islamic law began with the customary law of Makkah. The customary law was then gradually amended and changed. In accordance with commands contained in the Qur'ān and the *Ḥadīth*, pre-Islamic customs were changed or cancelled, according to a set of priorities, during a period of twenty-three years.

It is obvious that the first element of customary law that had to go was idol-worship. Idolatry was abolished. Worship of idols was absolutely forbidden. There was no compromise on the principle of the unity of God and none could be allowed to share power with Him. There was another fundamental feature of the faith. The Islamic world-view covers not only this world but the Hereafter as well. The principle of accountability meant that man would be resurrected, would be asked to render an account and would be accordingly rewarded or punished.

These were the foremost features of the faith — belief in the unseen God and the Day of Resurrection. If we believe in One God, Who is our Master and Creator, we owe Him certain obligations. How are we to perform our duties on this account? It is obvious that God is not dependent on us but we are dependent on Him. It is our duty, therefore, to express our gratitude. To discharge this duty, prayers were prescribed. In the very beginning the Muslims were required to subscribe to certain beliefs and observe prayers. Other requirements were slowly added in the course of time.

The basic sources of Islamic law are the Qur'ān and the *Ḥadīth*. The customs of Makkah were also a source in the beginning, but they were of a temporary nature, for the Qur'ān and the *Ḥadīth* had the power to supersede and cancel the customs which, in any case, were non-obligatory and had an impermanent character. All this notwithstanding, there can be no denying the fact that local customs were the first source of law which was replaced by the permanent sources — the Qur'ān and the *Ḥadīth*. It is obvious from the tradition related about Mu‘ādh ibn Jabal that *ijtihād* had already assumed the status of a third source during the life-time of the Prophet (peace be upon him).

Books on jurisprudence mention yet another source. It is referred to as *ijmā‘* i.e. consensus of the *‘ulamā’* on a given issue. This was not necessary during the period of the Prophet (peace be upon him) for he was there to attend personally to every problem that arose, and his decision was both binding and final. The question of consultation among the *‘ulamā’* with a view to reaching a possible consensus simply did not arise.

In addition to these sources, there was yet another which operated during the life of the Prophet (peace be upon him) and remained relevant after him. This source can be called "mutual agreements". If we reach an agreement with another state and enter into a treaty with it, the terms and conditions will remain binding for the duration of the treaty. They will become part of our law. In other words, treaty obligations or limitations mutually agreed upon become part of our law during the validity of the treaty.

Yet another source of law is the principle of reciprocity. We have not been able to trace an example of it during the regime of the Prophet (peace be upon him). The earliest example belongs to the days of ‘Umar. One of his governors in a frontier region sent a letter to Caliph ‘Umar stating that some Byzantine traders from across the border had expressed a desire to visit the country on a trading mission. He enquired about the basis on which a tax could be levied on them. The governor knew nothing about the Islamic toll-tax. He looked up the Qur’ān and found no mention of such a tax. Caliph ‘Umar replied that the scale of taxation should be the same as applied to Muslim traders visiting Byzantium. This, then, was the law of reciprocity. There was no agreement with Byzantium on this issue, but the Caliph ruled that the rate of toll-tax charged to the Byzantine traders should be the same as was charged from Muslim traders visiting their land.

Yet another source which should have been mentioned earlier is cited in the Holy Qur’ān. In *sūrah al-An‘ām* one comes across a lengthy list of about twenty-five Prophets. After the list follows the verse: "These it is whom Allah guided aright, so follow their guidance" (6:90). From the historical point of view this important verse in the Qur’ān lays down that all commands given to Adam and the Prophets that came after him until Muḥammad (peace be upon him) are mandatory for Muslims who are exhorted not to differentiate between one Prophet and another, and to show the laws, given to any of those Prophets, the same reverence that ought to be shown to the laws given to Muḥammad (peace be upon him), for all these laws are, after all, God's laws. As the Qur'ān says:

> The Messenger believes in that which has been revealed to him from his Lord, and so do the believers: all of them believe in Allah, and His angels, and in His Books, and in His Messengers, saying, "We make no distinction between any of His Messengers", and they say, "We hear and we obey" (2:285).

Allah is the law-giver. If He gave some laws to Adam or Moses, He alone can amend or change them. In other words, if God commanded the Prophet (peace be upon him) not to act upon certain specific instructions given to some of the Prophets who preceded him, then the old law will cease to operate and the new law will become mandatory. The previous Prophets ought to be followed. This is subject to the condition that we posses authentic knowledge of the law obtaining in the period of the previous Prophets. We come across instances in the Qur'ān and the *Ḥadīth* where a particular law prevailed in the days of Moses or Abraham but the Qur'ān itself accuses Jews and Christians of tampering with their scriptures. However, since the law of Moses and Christ has not reached us directly through reliable sources, we cannot act upon them unless a specific order is proved to be sound and reliable.

We need, thus, to add the laws of previous Prophets to the sources of Islamic law already enumerated. An example will help explain. *Sūrah al-Nūr* in the Holy Qur'ān lays down a hundred stripes as punishment for adultery. But based on the precept and practice of the Prophet (peace be upon him) one comes across instances of adultery between married persons being punished by stoning to death. What is the basis of this penalty which is not even mentioned in the Qur'ān? Many people have been victims of a misunderstanding on this score for they believe that the Qur'ān prescribes only a hundred stripes and not stoning to death. But this is not so.

A careful scrutiny will reveal that the Qur'ān has indirectly sanctioned this punishment. The Qur'ān asks us to act upon the laws of previous Prophets. The law of stoning to death is found both in the Torah and the *Injīl*. Even those editions of the scriptures which circulate among the Jews and the Christians today also contain this ordinance. Our Prophet (peace be upon him) has also verified that such a law existed. If the Qur'ān does not mention this law it means that it has not been cancelled. In the absence of clear instructions to the contrary, the old law stands, and in such an event it becomes our law. It was not made by us. The law was made by God and it is mandatory for us. The Torah specifically states that in the event of adultery among married persons they should be stoned to death. However, for adultery among unmarried persons, the guilty are merely required to pay a fine.

The Qur'ān superseded and abrogated this law. To impose only a fine would encourage immorality. A more effective deterrent was needed. A hundred stripes were, therefore, prescribed. When we see that the Holy Qur'ān has, by its silence, maintained a part of a previous law and has explicitly abrogated another part, its action on both counts assumes the status of law. This is what is meant by the statement that the *Sharī'ah* or the Law of the Prophets of old is obligatory on us provided it has reached us through authentic sources and the Qur'ān has not amended, changed or abrogated the previous law.

EXERCISE OF REASON

Now we will take up another aspect of the development of Islamic law. Part of it has been conveyed to us clearly by the law-givers i.e. God and the Prophet (peace be upon him). There is no question of man attempting to make such a law. In case the Qur'ān and *Ḥadīth* are silent on some issue, as was evident from the tradition about Mu'ādh ibn Jabal, we can try to deduce an appropriate law through the exercise of our own reason.

Such an assignment can be undertaken only by experts. A physician or a baker who has nothing to do with law-making will not be able to contribute much. There is a category of people in the Muslim society which administers law and there is another which expounds it. The first is a judge and the other is a *muftī* who gives a ruling but does not enforce law. A judge enforces laws in a dispute between two parties but a *muftī* merely elucidates and explains the issue, he does not enforce the law. The difference notwithstanding, both discharge the duty of subsidiary law-makers. The basic law is provided by the Qur'ān and the *Ḥadīth*. In case they are silent these people exert their own reason and try both to expound and enforce law.

Let us consider an example. The Qur'ān has fixed a punishment for theft. But if a person steals a shroud of a dead man, who cannot defend himself, the jurists do not consider it a theft. What, then, is the penalty for stealing a shroud? Does it fall under the law governing ordinary theft or does it need another law? Since the crime is not specifically covered by the Qur'ān there is no way to discover a law except by deduction, and the exertion of one's own reason and intellect. In such a case, our jurists try to deduce a law. We do not propose to go into the details of this process. We will merely cite an example in order to bring out the situations in which our jurists, *muftī*s or judges need to discover and expound a law thus contributing to its development.

There was a law about theft but there was no law specifically laid down about the theft of a shroud. This law was deduced by our *muftī*s and judges. The deduction then became part of our law and contributed to its development. This process started during the regime of the Prophet (peace be upon him). We come across a clarification in a tradition. It is narrated that the Prophet (peace be upon him) had told his people that if they needed to enquire anything they should approach Abū Bakr, who was an authority on law. The Companions, instead of bothering the Prophet (peace be upon him) on every matter of detail, went to Abū Bakr with their enquiries. He had the permission of the Prophet (peace be upon him) to pronounce on minor issues. In the event of a major problem, however, it is obvious that he consulted the Prophet (peace be upon him) before giving his own ruling. In cases where the Prophet (peace be upon him) had already given a ruling, Abū Bakr merely reminded the Companions of its existence and drew their attention to it.

Thus judicial verdicts started during the days of the Prophet (peace be upon him). We do not know the number of people (*muftī*s) who propounded the law, but the name of Abū Bakr is clearly mentioned in the historical accounts of the period. He was nominated by the Prophet (peace be upon him) as a *muftī*. It is possible there were others who were entrusted with the same task. With the expansion of the Muslim commonwealth the number of judges naturally increased, particularly in Yemen, which was a large province and, in that period, was intellectually very advanced.

The people of Yemen were not nomads; they rather lived in settlements and engaged in agriculture and trade. More than one official dealt with justice. There was the governor who was assisted by other officials. The name of Mu'ādh ibn Jabal was mentioned a short while ago. He was both a governor and a judge. It appears he was also the inspector-general of education. Al-Tabarī relates that one of his duties was to tour the villages and impart education. Possibly he opened schools in villages and taught the Qur'ān to the people. He visited various regions of the province and his duty was to provide instruction.

One of the judges sent to Yemen was Abū Mūsā al-Ash'arī We mention his name in particular because his letter of appointment has been preserved in history. We find that the principle of administration required an official letter of credence, stating that a particular person was being assigned a particular office and that the people concerned should treat him as the accredited representative of the Prophet (peace be upon him). Disobedience to the official thus appointed would amount to disobeying the appointing authority. The letter of appointment given to judges also mentioned their duties. This procedure also dates back to the regime of the Prophet (peace be upon him) and the directive given to 'Amr ibn Ḥazm is also extant.

We have already mentioned the primary sources out of which Islamic Law developed in the period of the Prophet (peace be upon him). Two new elements — the *muftī* and the *qāḍī* — were added to them. The *qaḍī*s or the judges are usually in need of laws. They have to decide every case keeping in view its peculiar circumstances and position. There are a number of instances when a governor or a judge referred the matter to the Prophet (peace be upon him) and sought his advice. And on many occasions governors or judges used their discretion and decided accordingly. In case the Prophet (peace be upon him) did not approve of a decision, he ordered the necessary amendment. Here is an example. There was an old Arab custom that the blood-money of a murdered person was given to the male relative of the deceased i.e. his son, father, nephew, etc. The widow of the deceased was not entitled to a share. When the Prophet (peace be upon him) was informed about a judicial decision about it, he wrote to the then governor of Yemen, Daḥhāk, and referring to the judicial decision, ordered that the widow of the deceased should also receive blood-money in the same proportion in which she would have inherited the property of her late husband. There was no ruling on this issue in the Qur'ān, nor was one available in the *Ḥadīth* until this incident took place. This was, therefore, a new law laid down by the Prophet (peace be upon him).

We have already mentioned the two permanent sources of law during the life-time of the Prophet (peace be upon him) i.e. the Qur'ān and the *Ḥadīth*. To these two new sources were added subsequently. The Muslims referred first to the Qur'ān and then to the *Ḥadīth* for resolving legal problems. In case they did not find a solution in either of these, they took recourse to *ijtihād* or personal reasoning, a course commended by the Prophet (peace be upon him) himself. The principle has been of great value to Muslims. But for it Islamic law would have become static; and finding their own law inadequate, the Muslims might have been compelled to adopt non-Islamic laws. But by the use of reason and *ijtihād,* they were able to meet every new eventuality.

A directive is available from ʻUmar to the judges of his realm asking them to deliberate rather than give an arbitrary verdict and hastily enforce it. If the judges did not know the law on the subject they were required to give a thought to the problem themselves as well as consult the scholars available in their region. This could be a form of collective *ijtihād.* This too was the practice of the Caliphs. There are plenty of instances in which Abū Bakr, ʻUmar, ʻUthmān and ʻAlī adopted the consultative method to resolve a complicated case on which clear instructions were not available either in the Qur'ān or the *Ḥadīth.*

In such cases a general assembly was summoned in the mosque where the Caliph would put the question to the people and ascertain their opinion. Every person had the right to express his views. Big or small, man or woman, everyone could participate in the process of consultation. We mention women because we come across a case in the regime of ʻUmar. Parents started demanding large sums of money for giving away a daughter in marriage. A prospective son-in-law was confronted with a demand for a specific sum. ʻUmar noticed that this hideous social evil deprived many girls of a chance to get married.

ʻUmar, therefore, ordered a certain sum to be fixed for the gift-money (*mahr*) payable to the bride. No objection was raised by any Companion of the Prophet (peace be upon him) but one day an old lady got up in the mosque and challenged ʻUmar's right to promulgate such an ordinance. She cited a verse from the Holy Qur'ān which says: ". . . if you have given one of them a treasure, take not aught therefrom . . ." (4:22) at the time of divorce. She argued that if God had allowed man to gift a treasure to a woman, ʻUmar did not have the authority to supersede or abrogate the law on the subject. ʻUmar immediately conceded that the woman was in the right and withdrew his order.

This shows that everyone could raise an issue in the general assembly. The right belonged equally to the scholar and the illiterate, the young and the old, the male and the female. No one was discriminated against. Everyone expressed his opinion and it was accepted if it was supported by a consensus or else it was dropped. In any case we see both collective consultation and individual judgments given by judges and *muftīs* throughout the regime of the Early Caliphate. The process still continues.

Since Muslims spread very early to three continents i.e. Asia, Europe and Africa, they had to deal with a large number of nations with various religions, cultures, customs and habits. They had to contend with many a new situation and face fresh problems. Decisions had to be taken in a variety of legal cases for which there was no precedent. An issue arose during the regime of ‘Uthmān. The Holy Qur’ān ordains the imposition of a tax called *jizyah* on non-Muslim subjects. The People of the Book are mentioned in the same context. During ‘Uthmān’s caliphate, North Africa, inhabited by Berbers, was conquered. A question arose whether the tax was to be imposed on Berbers. Earlier a similar question had arisen in the days of ‘Umar about the Parsis of Iran. The answer was found quite easily because ‘Abd al-Raḥmān ibn ‘Awf cited a tradition from the Prophet (peace be upon him) to the effect that Parsis should be treated at a par with the People of the Book except that marriage with their women and eating animals killed by them were not allowed.

In the case of Berbers, however, no guidance was available in the Qur’ān and no injunction of the Prophet (peace be upon him) could be cited. After due consideration the Caliph ordered that *jizyah* should be imposed. The decision was later extended to all non-Muslim subjects. When Muslims reached Sindh, they continued the practice. When they moved farther east they levied the tax on Brahmins. In brief, in the words of Abū Yūsuf, *jizyah* was imposed on all non-Muslims irrespective of the fact whether they worshipped fire, trees or stones. They were all treated alike. The Qur’ānic injunction on the subject was treated as illustrative and not as limitative. The idea was not to limit *jizyah* to the People of the Book; it could also be extended to others.

THE SCHOOL OF KŪFAH

During ‘Umar’s regime an event of considerable legal significance took place. He appointed a learned Companion, ‘Abd Allāh ibn Mas‘ūd, as a teacher to Kūfah. He was neither a historian nor a Sufi, nor a famous soldier like Khālid ibn al-Walīd but he was certainly talented in the field of law. He used to teach in Kūfah. It is obvious that his lectures abounded in references to law and jurisprudence. When he was sent to Kūfah the order of appointment was couched in the following words: "O Muslims of Kūfah! I am sending a highly respected Companion of the Prophet (peace be upon him) to you. You should appreciate that in parting with him I am making a sacrifice for your sake. This should give you some idea of his importance."

'Abd Allāh ibn Mas'ūd kept teaching law until his death. Among the residents of Kūfah, he came across a brilliant Yemeni student, 'Alqamah al-Nakha'ī, who proved to be his best pupil, and after the death of 'Abd Allāh ibn Mas'ūd, he succeeded him as a professor of law in the principal mosque of Kūfah. After his death another Yemeni, a resident of Kūfah and a student of 'Alqamah called Ibrāhīm al-Nakha'ī succeeded him. Kūfah acquired a reputation for excellent teaching in jurisprudence.

After the death of Ibrāhīm al-Nakha'ī, his pupil Ḥammād ibn Abī Sulaymān, a non-Arab, succeeded him. He too was an expert in law and taught jurisprudence. At his death, yet another student of his who also was a non-Arab — Abū Ḥanīfah — succeeded him. He was very young at that time but was by far the most brilliant of Ḥammād's students. He was reluctant to take over but his own class-fellows beseeched him to continue their teacher's task.

Abū Ḥanīfah, a very intelligent man, was fully conversant with human psychology. He suspected that people would not approve of the appointment of a young man to such a high office unless they were encouraged to believe that his lectures would indeed be important. Abū Ḥanīfah, therefore, told his class-fellows that he would agree to teach provided all of them became his students and attended his lectures for at least a year. They readily agreed. When the people saw that even his class-fellows became his students they were convinced of his outstanding ability as a teacher. Besides other qualities, Abū Ḥanīfah was known for his compassion. He always provided financial help to his needy pupils. His reputation, influence and authority gradually grew among the people who held him in great respect and honour. This was the late Umayyad period, a bad time from the political point of view. Terrorism and violence were common. People were seeking to revolt against the terror and tyranny of the rulers. It was a dangerous and difficult period.

We shall briefly mention an incident of the year 120 AH The grandson of Ḥusayn, Zayd ibn 'Alī Zayn al-'Ābidīn, was sick and tired of the rulers' tyranny and decided to rebel against the government. Abū Ḥanīfah was very fond of him and sincerely wished that he should replace the Umayyad Caliph. One day, Zayd ibn ‘Alī told Abū Ḥanīfah that he had received assurances of help from the people and was about to rise in an armed rebellion against the regime. Abū Ḥanīfah offered him money but declined to join him, saying that he would have gladly joined him had he been certain that his followers would remain faithful to him until the very end. His apprehensions proved correct. Zayd's followers deserted him. The government arrested Zayd and put him to death. Zayd ibn ‘Alī was a great jurist and it can be said that Abū Ḥanīfah benefited from his knowledge. The book authored by Zayn ibn ‘Alī is called *al-Majmū‘ fī al-Fiqh*. It is a famous work and is considered the oldest available work on the subject which has reached us. The book has been published. It is significant that sequence of subjects in this book is the same as found in the works of *Fiqh* in the subsequent period right up to our own. It begins with a chapter entitled *Kitāb al-Ṭahārah* which deals with subjects such as ablution and bathing. Then follow chapters on prayers, fasts, worship, transactions, etc. This is the order we find in the work of Zayd ibn ‘Alī and which has since been followed faithfully.

CONTRIBUTION OF ABŪ ḤANĪFAH

The Abbasids succeeded the Umayyads. People expected a change for the better but they were deeply disappointed. During this period Abū Ḥanīfah made an achievement which has left the most important and memorable impact on the history of Islamic law.

Eminent jurists like Mālik and al-Awzā‘ī were alive at that time. They produced works of law but this was an individual effort. Abū Ḥanīfah thought of a collective effort in the field of codification of Islamic law. Out of his many students he selected forty who were experts in law and founded an academy. In making his selection he took care to include those who were experts on subjects other than law. He brought together scholars of various disciplines in the academy. The methodology he followed was to pose a hypothetical question and discuss the problem threadbare. The discussion sometimes lasted a whole month. When, at last, a unanimous decision was reached, the secretary of the academy, Abū Yūsuf, would record the verdict. Some of these documents have reached us. They record discussions on a problem in the form of questions and answers.

Two attempts were made at the codification of law during the period of Abū Ḥanīfah – one by the government and the other by Abū Ḥanīfah himself on a private basis. The official initiative was taken by Caliph al-Manṣūr. He wanted to codify Islamic law with a view to introduce it in the Islamic empire. He sent for Mālik and asked him to complete his book on jurisprudence because he wished to enforce it as the official law. Mālik, who had the fear of God in his heart, politely declined on the plea that one man's opinion could not be imposed on everyone. People should have the freedom to disagree.

But the need for codifying Islamic law remained to be fulfilled. This task was performed by Abū Ḥanīfah. He accomplished it after years of hard work, and prepared a code of which it can be said with great confidence that it is more complete and better suited to human needs than the Justinian Code.

There were other jurists in this period and they had their pupils. The jurists among the Companions were 'Abd Allāh ibn Mas'ūd, one of whose pupils in the fourth generation was Abū Ḥanīfah. The other Companion was 'Abd Allāh ibn 'Umar whose pupil's pupil was Mālik, the founder of the Mālikī school of jurisprudence. The third Companion was 'Abd Allāh ibn 'Abbās some of whose legal opinions were adopted by the Khawārij. The fourth Companion was 'Alī ibn Abī Ṭālib. His jurisprudence has reached us through Zayd ibn 'Alī and the Ithnā 'Asharī and Fāṭimī *imām*s. Later follow the pupils of pupils e.g. al-Shāfi'ī, who is the pupil of Muḥammad ibn al-Ḥasan, who is the pupil of Abū Ḥanīfah and of Mālik. Among the students of al-Shāfi'ī, there is Aḥmad ibn Ḥanbal, and his student Dā'ūd al-Ẓāhirī, the founder of the Ẓāhirī school. In brief, there is no fundamental difference between Muslims of different theological persuasions as far as matters of law are concerned. They have been learning from each other and their legal opinions have a great degree of resemblance.

QUESTIONS AND ANSWERS

Question

Reference to the tradition of Mu'ādh ibn Jabal seems to suggest the inadequacy of Qur'ān and *Ḥadīth*. If one cannot find a certain point in the Qur'ān it cannot be argued that it is not there. It reflects on the inadequacy of one's own mind rather than that of the Qur'ān. In the light of the verse "Today I have perfected your religion for you" (5:3), would it not be better to state that in principle the Qur'ān is perfect and entirely adequate but if somehow the human mind is sometime unable to discover a solution, it could exert its own reason? The human mind is to be blamed for failure to find a solution and not the Qur'ān which cannot be considered inadequate.

Answer

The objective of the two is the same, the difference is merely verbal. I would say, however, that in the verse "To-day I have perfected your religion for you" (5:3), is included the Qur'ān, the *Ḥadīth* and Consensus, and not the Qur'ān alone. For it is the Qur'ān which has laid down obedience to God and obedience to the Prophet (peace be upon him) (See the Qur'ān 4:80). Obedience to the Qur'ān alone has not been ordained. And the Prophet (peace be upon him) himself has suggested that if you do not find guidance in the Qur'ān seek it in the *Ḥadīth*, and if you do not find it there either, exert your own reason. Thus both you and I mean the same thing; only the words are slightly different.

Question

The evidence of two women in Islamic law is considered equal to that of one man. Has woman not been reduced in this way to the status of half a man?

Answer

I think the question ignores a fundamental principle: that nature never creates two entirely similar objects. One is complementary to the other, otherwise the second will become redundant. Nature has not made man or woman so self-contained that they would not need each other for reproduction. On the contrary they complete each other through cooperation. It would be more appropriate, therefore, to find out the reason why the evidence of two women has been equated with that of one man.

Both have been assigned different roles. A woman, whether she likes it or not, has to be a mother and she will also have to discharge the responsibility of bringing up the child. Man, however, much as he may wish to bear a baby, will not be able to do so. If a woman was also assigned the duties of man besides her own she would not be able to discharge either. For various reasons Islam requires women to observe decorum in dress and appearance and does not encourage intermingling between the sexes. In a

Muslim society, therefore, the opportunity provided to women to meet men is less than the facility to meet members of their own sex. It was inevitable, therefore, to call for the evidence of two women in order to ascertain the facts of a case. This is in no way derogatory to women but is aimed at providing a facility to the fair sex in consideration of their own essential assignment. Otherwise, it was quite possible to lay down that a woman's evidence is not acceptable at all.

On the contrary, the Islamic law ameliorated the legal status of women. They had no share in inheritance before Islam. But Islamic law made a provision for it. Since the liabilities of a woman are less, her share was also fixed in proportion with her responsibilities. A woman, whether she is a daughter, wife or mother is always supported by a man. If the near relation such as a father, a son or a husband, fails to provide the requisite financial assistance, the law compels him to discharge his responsibility. On the contrary, in the event of a similar need, no woman may be compelled to support a man. It was inevitable under the circumstances to provide for a lesser share to women. Since all the financial needs of women were met by men, the law could deprive her altogether of the right of inheritance. But this was not done. Islam treated women with honour and dignity. This should be borne in mind while discussing the law of evidence. Since women have comparatively fewer opportunities to meet men, the evidence of two women was considered necessary. This is my personal view and I am no expert on the law of evidence.

Question

Slavery was not completely abolished by Islam and the curse was allowed to continue. What is the justification for this?

Answer

The reason is that some people are not willing to accept a reasonable proposition. They have to be compelled to do so. In our own day too we have such nations e.g. South Africa where the sons of Adam who happen to be dark-skinned are not conceded equal human rights, even though the United Nations demand it.

Would it not be appropriate under such circumstances to compel intransigent people through an institution which, though called slavery, is in reality, a training institutions, aiming at creating a situation of equality? Islam, however, has not made slavery mandatory but has merely permitted it.

Let us go back a little and trace how slavery began. In the olden days our ancestors used to kill and eat up the men they conquered. Later some good natured persons thought it was better to get work out of men rather than eat them up. The enemy, instead of being killed, should be kept alive and the possibilities of freeing him should be explored. There is no nation in the world which did not have slavery. Islam, at the most, merely tolerated it but it certainly did not lay down that men or women should be made slaves. On the contrary, it laid down that the freeing of slaves was an act of piety. The Qur'ān says: "And what should make thee know what the ascent is? It is the freeing of a slave" (90:11—12).

You will be surprised to hear that the Torah and the Bible mention the taking of slaves but there is no mention whatsoever of freeing them. There is not a line which warrants the conclusion that non-Jewish slaves could be freed. On the contrary, the Qur'ān considers the freeing of a slave as an act of great piety. It also ordains the freeing of a slave as an act of atonement for one's sins. For example, if a man divorces his wife in a hurry and repents, or he kills a Muslim by mistake, the Qur'ān lays down ransom and orders the freeing of a slave to seek atonement for such sins. In case a man does not own a slave he can do other good deeds but the freeing of a slave is given the first priority. There is yet another Qur'ānic injunction. In case a slave offers a master the sum which was spent on purchasing him, he can buy his freedom and an owner has no right to reject the offer. Islamic law will compel him to accept it. The slave is permitted to trade and collect a sum to purchase his freedom. There is a verse in the Qur'ān which lays down the basic items of expenditure of an Islamic state. The following categories are laid down: "The alms are only for the poor and the needy, and for those employed in connection therewith . . . and for the freeing of slaves . . ." (9:60).

Question

Kindly elucidate the difference between *Sharīʿah* and Law. If both terms are used for the same subject how is it that universities in the Arab world have separate faculties for Law and *Sharīʿah*?

Answer

In principle there is no difference between the two. Unfortunately, however, we were faced with a development in our recent history when Muslim countries had to abandon Islamic law. Our rulers from the West framed for us laws which came into conflict with Islamic law. Therefore, in order to differentiate between the *Sharī'ah* and the non-Islamic laws, the word *Sharī'ah* came into increasing use to denote Islamic law while the body of laws derived from sources extraneous to Islam is referred to simply as Law.

Question

What is the difference between the jurisprudence of the Ja'farī and Ḥanafī schools? Since Abū Ḥanīfah was a pupil of Ja'far, what is the reason for the differences between the two? What is the difficulty in enforcing the Ja'farī law?

Answer

The question is slightly defective. It has been presumed that the teacher and the pupil would completely agree with each other. Since Abū Ḥanīfah took lessons from Ja'far al-Ṣādiq it does not follow that there should be no difference in the ideas of the two. This presumption is not entirely correct; neither factually nor theoretically. Both the teacher and the taught had differing opinions on many issues. Even the two famous students of Abū Ḥanīfah, viz. Abū Yusuf and Muḥammad ibn al-Ḥasan differed with each other. Some speculate that the Ḥanafī jurisprudence represents only fifteen percent of Abū Ḥanīfah's legal opinions while those of his two students prevail over the rest. Under the circumstances it would not be right to assert that the jurisprudence of Ja'far and Abū Ḥanīfah is the same. It is obvious that those who prefer the views of Abū Ḥanīfah would not be found willing to accept the ruling of Ja'far al-Ṣādiq for, despite his learning and wisdom, he was after all not a Prophet. According to the Sunnī belief only Prophets are innocent and infallible.

The Prophet (peace be upon him) has also candidly stated that a difference of opinion between the *'ulamā'* is not harmful. On the contrary, it is a blessing from God. If Abū Ḥanīfah expresses opinions which differ from those of his teacher he does so in all honesty and in a spirit of true piety. We have to recognise that there is a difference in the law of the two schools. If one of them is promulgated for everyone, other schools would resent it.

Suppose the followers of Ja‘far seek to enforce their law in Pakistan, they will have to face the reality that a large majority of the population here follow the Ḥanafī school. Personally I have no objection if they wish to adopt the Ja‘farī law but in case they do not, it would be wrong to compel them to do so. This will be an exercise in futility which could lead to public disorder. Here is an example which will explain the nature of differences between the two laws. If a person dies and leaves behind two nephews, one is a son of his brother, and the other is the son of his sister, Ḥanafī law provides nothing for the latter while Ja‘farī law provides nothing for the former. How, then, could we enforce the same law for everyone?

In our view it is not advisable to enforce the same laws relating to personal status for everyone. But those relating to collective matters e.g. laws governing elections to the Parliament, or administrative matters, etc., should be uniform. Whatever the majority of the people decide in these matters will become the law of the land because details on these subjects are not available in the Qur’ān and the *Ḥadīth*. Take the problem of the form of government. Islam does not lay down any specific law in this regard. In my view, it is permitted to have a monarchy or a republic. People of every age and every country may determine the form that suits them best.

Some people will perhaps ask why I consider monarchy permissible. Some friends will immediately cite the verse relating to Queen of Sabā (Sheba) in the Holy Qur’ān: "Surely, kings, when they enter a country, despoil it" (27:34). They will argue that it is an injunction against monarchy. With great humility, I will point out that the Holy Qur’ān mentions bad kings as well as good ones. While on the one hand it talks of tyrants such as Pharaoh or Nimrod, it also mentions David and Solomon, Prophets of God who carried the title of kings. When such eminent Prophets ruled as kings how could we condemn the institution of monarchy? The verse about Bilqīs in the Qur’ān expresses her own views and does not seek to lay down the law. If you consider the institution of monarchy suitable for your requirements you are free to adopt it. Our own Prophet (peace be upon him) discharged both the functions of a Prophet and a monarch. This does not in any way detract from his greatness for in his person he represents all the qualities of a Perfect Man.

Question

Is it possible to resolve important issues facing the Muslim world of today through a process of consultation among its leading scholars by constituting an international board? What should be the practical way of initiating such a process?

Answer

I am afraid it is not a practical proposal. You can collect all the eminent experts of the world in Bahawalpur but you cannot keep them here for ever. They will need to consult each other constantly; not for a day, a week or a month. The plan of setting up an international board of scholars is impractical. If the purpose is to help create a consensus there are other ways of doing it.

We should not confine ourselves to the Muslim world. Contact should be maintained with Muslim scholars wherever they might be — Russia, America, Pakistan, etc. In order to avail ourselves of their advice it is not necessary to summon them to a particular place or compel them to stay there. On the contrary, it is possible to form a society of scholars in every country.

Such societies should be affiliated with a centre. When the headquarters send a circular, the Secretary of the Society concerned in a country should circulate a copy to all Muslim experts on Islamic jurisprudence in his jurisdiction. He should elicit their opinion on the issue in question. On receipt of replies he should send a summary to the headquarters which will compile answers received from all over the world. If the scholars are unanimous in their views it would be a case of consensus.

In the absence of unanimity the headquarters will circulate the same question again to branches all over the world, explaining both the favourable and unfavourable views expressed by the international community of scholars. The recirculation of the same question accompanied by the pros and cons of the problem could possibly influence some scholars who might wish to revise their earlier opinion in the light of new arguments made available to them. If unanimity emerges, well and good; if not, even then we can summarise the situation and say that so many scholars have expressed one view while so many expressed the other. This process could continue and we could avail ourselves of the views of scholars living in different parts of the world.

Question

The Holy Qur'ān has forbidden *ribā*. Which *ribā* is referred to? Will the prohibition apply to commercial interest? If it does, on what authority will it be done?

Answer

I am not an expert on economics but I know that *ribā* is forbidden. Suppose I borrow a sum of money from someone and promise to pay five percent extra money as interest until such time as the loan is fully and finally repaid. I trade with the money I borrow. If the profit from trade exceeds 5%, I have no difficulty in paying the added sum to the lender. But if I incur a loss in a certain year I am obliged to pay the five percent interest in accordance with my undertaking. The lender does not share my loss. He only shares my profit. This is contrary to the ethical values of Islam and has been, therefore, forbidden. On the contrary, if I have borrowed from a bank in which both the lender and the borrower are willing to share both the losses and the gains, then what I pay on the sum would not be *ribā*.

Question

Is it permissible to pay interest on foreign debts incurred by the government?

Answer

Governments have their own compulsions and I am not privy to their policies. Not only governments but individuals are also sometimes compelled to borrow. If nobody is willing to advance a loan without charging interest, a needy person feels obliged to pay interest. God will probably forgive him but not the lender who charges interest and exploits his need. Similarly, if governments feel obliged to incur debts in the national interest, God is aware of their compulsions and will forgive them if they borrow under severe compulsion; but if they borrow to erect imposing palaces there will be no forgiveness.

Question

From the Islamic point of view, which would you consider the best way to elect rulers? Is the current system of elections consistent with the Qur'ānic requirements?

Answer

A detailed answer is not called for. I have already stated that even monarchy is permitted in Islam. In such a system usually the eldest son of a monarch becomes heir-apparent. This practice is also permitted by the Qur'ānic verse: "And Solomon was heir to David" (27:16). Democracy is allowed as well. Collegial government is not barred either. One may also have a model combining the leading qualities of all these systems as was the case with the Rightly-Guided Caliphate. It was not a monarchy in that a son could not automatically succeed the father. It was an elective system but not a kind of democracy in which a person is elected for a fixed term and elections are held regularly.

The Caliphate was a mix of monarchy and democracy. A person was elected for life. All these things have been permitted by Islam which does not lay down a particular system of government but insists on justice and fairplay no matter who administers it. Were Abū Bakr, 'Umar or 'Alī alive today we might gladly give them all authority for we have full confidence in their honesty and integrity. On the contrary, were Yazīd alive today we would not trust him even with the rubberstamp monarchy of England.

In brief, we may elect, nominate or adopt any model, but no system lasts for ever. One which is accepted in one age is rejected in another. In the absence of a law of succession, the early Caliphate of Islam saw the rise of differences on this score. To create a semblance of stability and to save the regime from civil war, Mu'āwiyah enforced the monarchical order, not to make a king of his son but to ensure the interest of the *ummah*. After a lapse of time kingship was considered a curse and we revolted against it. Good government depends primarily on the character of the ruler. A good ruler even if he is a dictator is gladly accepted by the common man. A tyrant even if he is the President of a republic need not be accepted merely because of that reason.

* * * *

FOUR

JURISPRUDENCE AND *IJTIHĀD*

This is a subject of which Muslims can be legitimately proud. In the history of mankind, different nations added something of their own to law, but the greatest contribution made by Muslims is perhaps jurisprudence. Law existed before the dawn of Islam but the principles of jurisprudence did not exist anywhere in the world. Even today we can say that it is the peculiar contribution of Muslims who filled a great void in the science of law.

It is well-known that every society has its laws and they are of two kinds. The first kind, which is the unwritten law, comprises customs and conventions and has existed in every society from times immemorial. We do not know who its author or compiler was, but everyone acts on it. The other kind is the law which is made or enforced by a king or a ruler and this is generally available in the written form. In any case, man makes laws for himself in accordance with the needs of his nature and acts on it. Law, therefore, is the basic characteristic of every human society.

So far as written law is concerned, the most ancient specimen that has reached us is the law of Hamurabi, the king who ruled over Iraq. According to the latest western researches it was he who is referred to as Nimrod, the contemporary of Abraham (1800 BC). During recent excavations in Iran, at a place called Sus, a black stone with two human figures was discovered. One of these figures represents God and the other Hamurabi who is receiving law from God. This stone is in the shape of a pillar on which the law has been inscribed in Maikhi script. Western experts have now deciphered it and the text has been translated into most of the languages of the world.

It is significant in that it is the most ancient specimen of written law. But it does not mean that it is also the best. Let me give you an example. The law of retaliation has been laid down as a basic norm but the advisers of Hamurabi extended it to ridiculous proportions. If a person killed someone's cow, the cow of the criminal had to be killed in retribution. Instead of compensating the man who has been deprived of a cow, the loss of yet another animal is inflicted on society. But the punishment prescribed is cow for a cow.

A similar law is laid down in case someone kills the daughter of someone else. Instead of punishing the assassin his daughter has to be killed for no fault of hers because retaliation means a daughter for a daughter. This is tit for tat. Thus we see that the principle has been senselessly applied and taken to ridiculous proportions in the law of Hamurabi. Today our common sense is not willing to accept this principle but four thousand years ago people considered it a good and just law given to them by God.

In addition to the law of Hamurabi, we come across other ancient laws. The hieroglyphic inscriptions in Egypt contain some. Then there are the Roman, Greek, Chinese and Indian laws. The Red Indians have their own laws. In brief, we find laws in every culture and country. There were specific laws but there was no science of law. What was found was merely a collection of do's and don'ts. The science relating to the principles of law are lacking everywhere. There is no discussion or debate about the nature of law, how it is made, changed or amended. How is law to be interpreted? What is one to do in case of a contradiction between two laws? In brief, the theory or concept of law is not to be found in any nation until the dawn of Islam. Muslim jurists made a significant contribution to this branch of learning during the first two centuries of Islam.

PRINCIPLES OF JURISPRUDENCE

Jurisprudence, being a science, is applicable not only to Islamic law but to any law in the world for the principles of jurisprudence have universal application. These questions can be addressed to everyone — Romans, Greeks, Hindus, Chinese. How do you perceive law? Who makes law and how and when? How can it be changed, amended or abrogated? How can additions be made to it? What are the foundational principles of law? The answers may be different but the science which deals with the concept and theory of law was developed for the first time by Muslims who call it *Uṣūl al-Fiqh*. We do not know why this name was given. We can only speculate. We venture this idea on the basis of a well-known verse of the Holy Qur'ān (14:24): ". . . the similitude of a good word is like a good tree, whose root (*aṣl*) is firm and whose branches reach into heaven."

Two significant words have been used in this verse i.e. the root and the branches. Our jurists consider the principles of jurisprudence as the root and the laws as branches (*furū'*). The word *uṣūl* (principles) literally means roots. It is on the basis of principles and concepts that laws of conduct are made.

The earliest books written on this subject belong to Muslim jurists. Until the last century this subject was not touched upon by any other nation of the world. In 1928, a book was published in English by a French professor entitled *Angora Reform*, Count Ostrorog. This was a collection of a series of three lectures delivered by him during the centenary celebration of the University of London. The subject of the first lecture was "Angora Reforms". The lecture related to reforms made by Ataturk Mustafa Kamal in Turkey. Kamal, as we know, abrogated the Islamic laws and adopted the Swiss and Italian codes. He abolished the use of the Turkish cap and introduced the European hat. The lecture dealt with these reforms which were new and very popular at that time. The subject of the second lecture was "Roots of Law". I confess that I became aware of my own heritage for the first time when I read the lecture. Count Ostrorog wrote that jurisprudence was the gift of the Muslims to the world.

Historically speaking, Islamic law began to be formulated after the proclamation of the prophethood of Muḥammad (peace be upon him). In the beginning, some old practices and customs obtaining in Makkah formed part of it. Gradually the customary law was amended and reformed by the Qur'ān and the *Ḥadīth*. Some other elements such as the treaties concluded with others, and some of the laws of preceding Prophets were also retained.

With the death of the Prophet (peace be upon him) a major source of law came to an end. The possibility of making and changing laws through revelation was no longer available. One had to remain content, therefore, with the legacy left by the Prophet (peace be upon him). In the ordinary circumstances this development could have caused considerable difficulties but the Law-Maker and His Messenger had told us how to cope with such a situation. The solution belongs to the last days of the Prophet (peace be upon him). When he named Mu'ādh ibn Jabal as Governor of Yemen, the Prophet (peace be upon him) asked him how would he make decisions. "By the Book of God", he answered. The Prophet (peace be upon him) said "If you do not find it [i.e. any guidance] there?" The governor-designate said that in that case he would resort to the *Sunnah* of the Prophet (peace be upon him). The Prophet (peace be upon him) persisted, "And if you do not find it there?" Mu'ādh said that in that event he would try his best and exercise his personal judgement. The Prophet (peace be upon him) approved of the answer, prayed for him, and raising his hands towards the sky said: ‘O Allah! I am happy with the grace you have granted to the envoy of your Messenger". No approval can be greater and more unequivocal.

IJTIHĀD

This principle imparts life and stability to Islamic law which can always avail of it in the hour of its need. Any neuetral observer would say that it is primarily on this account that Islamic law has been operating for 1400 years and still retains the capacity to grow and develop. It is quite possible that some people who could not derive the desired conclusions from the Qur’ān and the *Ḥadīth* felt perplexed on occasions. We cite an example which relates to Abū Ḥanīfah. The purpose is not to praise his intelligence but to suggest how some people can perceive an issue while others might fail to do so.

An anecdote has been related that one day a quarrel arose between a man and his wife. At night the husband swore by God and said to his wife that unless she talked to him before dawn she should consider herself as divorced. The wife was fed up. She also swore by God and said that she would not talk to him before dawn. Both then remained silent until dawn. The *mu’adhdhin* called the faithful to prayer. The husband went to pray in the mosque and then went to see Ibn Sīrīn, a famous jurist. He ruled that the divorce had come into effect and that the husband was to blame for it for he had laid down the condition about breaking the silence before dawn. Since the wife had not complied with it, divorce had become effective.

Deeply depressed the husband went to Abū Ḥanīfah and narrated to him the details of the incident. "It does not matter", said Abū Ḥanīfah. "You can go back to your wife for divorce has not taken place." The husband was a bit perplexed. He went back to Ibn Sīrīn and told him about the ruling given by Abū Ḥanīfah. He too was surprised to hear of the conclusion drawn by Abū Ḥanīfah and went to see him along with that man. He discussed the case and argued that divorce had in fact taken place in law and that the husband would be guilty of adultery if he went back to his wife; and that responsibility for this crime would rest on Abū Ḥanīfah who had, so to say, misguided the man in question. Abū Ḥanīfah turned to the husband and asked him to repeat the story. The husband repeated the account. Abū Ḥanīfah reiterated his ruling that divorce had not taken place because the husband had not specified the nature of the conversation. The wife, in reply to her husband said that she too would not talk to him, by doing so she had already spoken and the condition that the man would divorce the wife in case she did not speak to him before dawn did not, therefore, apply to the case.

This shows how two persons interpret the same incident differently. One perceives a subtle point which eludes the other.

If *ijtihād* had not been permitted the Islamic law would have remained confined to the Qur'ān and the *Ḥadīth.* It was quite possible that on occasions even the greatest of scholars and jurists might have failed to discover the relevant law appropriate to meet a new situation. You would recall that once, when 'Alī drew his attention to a certain decision of his, 'Umar exclaimed spontaneously: "But for 'Alī, 'Umar would have been ruined." The permission given to Mu'ādh ibn Jabal to exert his own reasoning has provided us with a principle which has helped meet many a difficult situation.

During the days of the Rightly-Guided Caliphs collective deliberation was occasionally resorted to for solving a given problem. Discussion and debate took place among the people. If a person expressed an opinion, the other criticised it and advanced his own views on the issue. Eventually after having discussed the pros and cons of a problem people arrived at a conclusion. The process of discussion proved very useful because until then the statements and decisions of the Prophet (peace be upon him) had not been collected. People preserved in their memory what was later recorded in writing by such traditionists as Bukhārī, Muslim, etc. Whenever they gathered they recalled the relevant sayings of the Prophet (peace be upon him) on an issue. This is how information relevant to law in the *Ḥadīth* came to be collected and the era of deducing legal verdicts from the sources was ushered in.

SCHOOL OF KŪFAH

Education in jurisprudence continued for generations and helped advance the cause of codification of laws in various cultural centres. The most significant among them was the school of Kūfah. It had special characteristics of its own. In the environs of what is now the town of Kūfah in Iraq stood the city of Ḥīrah in the ancient times. It was considered a great cultural centre during the pre-Islamic era. Even though it was ruled by the Persians, the Arabs had settled down there. Yemen, a centre of ancient civilization, was the most fertile land in the Arab peninsula. When its people settled down in Ḥīrah, their civilization created an impact on the surrounding areas. It is an astounding fact of history that the Emperor of Iran sent his heir-apparent to Ḥīrah for education. He was confident that the training imparted to him under the supervision of the Arab ruler would greatly help mould his character. He was right. The young prince who later came to be known as Bahram Gor always remained grateful for the education he had received in Ḥīrah. His pictures show him riding a camel in bedouin attire. Subsequently Ḥīrah became the centre of a distinguished Arab empire which represented a rich synthesis of Arab and Persian traditions and gave birth to a new culture. It was different from and better than others.

After the conquest of Iraq, ‘Umar who was known for his political sagacity, established military cantonments in the conquered territory. Among the strategic places he also selected Ḥīrah. He asked Muslims not to live in the old city but to found a new one in its environs. The new city was meant exclusively for Muslims and no aliens were allowed to live there. The settlers sent to the new city were mostly from Yemen. Among them were some fifty-eight Companions who were with the Prophet (peace be upon him) during the Battle of Badr. In brief, people closely associated with the Islamic tradition settled down in Kūfah where a new scholastic tradition developed.

When several thousand Muslims came to settle down in Kūfah they naturally felt the need for Islamic education. ‘Umar sent ‘Abd Allāh ibn Mas‘ūd, a leading Companion, to teach in the Central Mosque of the city which was then part of the Governor’s House. His letter of appointment read: "O people of Kūfah! I prefer you to myself. As an act of self-sacrifice I send you this man whom I badly need myself. ‘Abd Allāh ibn Mas‘ūd, who has been delegated as a teacher to you, is the most highly revered Companion of the Prophet (peace be upon him). Do not be remiss in availing yourself of this opportunity."

‘Abd Allāh ibn Mas‘ūd had a natural talent for law. He imparted instruction to his pupils mostly in jurisprudence. He was particularly endowed with incisive logic and subtlety of legal argumentation. After his death one of his pupils ‘Alqamah al-Nakha‘ī took over. Then came ‘Alqamah al-Nakha‘ī’s pupil Ibrāhīm who was followed by his own pupil Ḥammād ibn Abī Sulaymān, a non-Arab. After him came Abū Ḥanīfah who was also a non-Arab. Thus he belonged to the fourth generation of this chain of scholars.

He was born in 80 AH and died in 150 AH The Abbasids took over in 132 AH.

Abū Ḥanīfah thus saw the last phase of the Umayyads and the early period of the Abbasids. Abū Ḥanīfah has been mentioned once again because one of his books is known by the name of *Kitāb al-Ra'y*, i.e. the "Book of Considered Opinion". As you know one has to resort to *ijtihād* in cases where clear injunction is not available either in the Qur'ān or the *Ḥadīth*. The words used by Mu'ādh ibn Jabal were " أجتهد برأيي ". ("I shall exert my personal judgement"). Abū Ḥanīfah called his work, the "Book of Considered Opinion", i.e. how does one use one's own opinion in settling issues. Unfortunately this book has not reached us. Perhaps it was lost along thousands of other books which were thrown into the river Tigris during Hulagu's sack of Baghdad. It has been lost to us but the reason we mentioned it was to underline the fact that it was the oldest book on jurisprudence to which reference has been made by our historians.

ABŪ HANĪFAH'S CONTRIBUTION

This book probably did not fully cover the principles of jurisprudence in the modern sense but it must have explained how to use reason to change law, to understand its intent, and to interpret it. Abū Ḥanīfah's is the first book on the subject which has been mentioned. It is possible that others before him, too, had written on this subject and pronounced their verdicts in the light of their considered opinions (*ra'y*). However, they never wrote on the subject, discussing its theoretical aspects. At least we do not know of any such written works. Therefore, we shall assume that Abū Ḥanīfah's *Kitāb al-Ra'y* is the first book in this field. He has indeed rendered a great service to law.

In addition to this book Abū Ḥanīfah wrote one on international law, a discipline which was practically non-existent in the world before Islam. It fell to the lot of Muslims to develop it to the extent that it is used by the people all over the world. Abū Ḥanīfah wrote a book on this subject by the name of *Kitāb al-Siyar*. He created a taste for the subject among his students. He instilled in them the habit of free enquiry, independent thinking, and the need to exert their own reason. On every issue his students freely expressed their views. They accepted or rejected a proposition after due debate based on persuasive arguments. Neither the teacher nor the taught adopted an unreasonable attitude.

In spite of all this, it can be said that in Ḥanafī jurisprudence Abū Ḥanīfah's verdicts prevail barely in fifteen per cent of cases and the rest are those of his two successors and disciples i.e. Abū Yūsuf and Muḥammad 'ibn al-Ḥasan al-Shaybānī. On these issues in which the two agree, his followers act on their edicts rather than on Abū Ḥanīfah's. This was the result of the training that Abū Ḥanīfah gave to his students. He encouraged them to think for themselves and not to follow anyone blindly. He instilled in them the courage to maintain their freedom and reject everything except the truth.

Ibn Khallikān mentions that Abū Yūsuf wrote a book called *Kitāb al-Uṣūl* [The Book of Principles]. It is believed that it dealt with the principles of jurisprudence or it was possibly a commentary on *Kitāb al-Ra'y*. Abū Ḥanīfah must have given lectures on the subject after he wrote the book. Debate and discussion must have followed. This was perhaps reflected in *Kitāb al-Uṣūl*, written by Abū Yūsuf. Unfortunately this book is also not available to us.

The second best-known disciple of Abū Ḥanīfah, Muḥammad ibn al-Ḥasan al-Shaybānī, also wrote a book on the subject. There are references to his *Kitāb al-Uṣūl* in a book which has recently come out. The book we are referring to is that of a Mu'tazilī scholar, Abū al-Ḥusayn al-Baṣrī, the author of *al-Mu'tamad fī Uṣūl al-Fiqh*. Very few books of the Mu'tazilah sect are in existence. Four or five manuscripts of *al-Mu'tamad* have, however, survived. There are two in Istanbul. The photograph of a Yemeni manuscript is available in Egypt, and I have the other manuscript which was presented to me by a *qāḍī* of Yemen. An incomplete manuscript exists in Milan (Italy). With the help of all these manuscripts a book, considered to be an important contribution to the Mu'tazilī principles of jurisprudence, has been published. I should like to draw attention to a sentence in the book which says: "The principles of jurisprudence are four — the Qur'ān, *Ḥadīth,* consensus and analogy." This is the summary of Muḥammad ibn al-Ḥasan al-Shaybānī's book to which Abū al-Ḥusayn al-Baṣrī refers in his work. On this basis we could say that not only one but several pupils of Abū Ḥanīfah have written books on the principles of *fiqh* in an attempt to explain the contents of *Kitāb al-Ra'y* of the master.

There is another reason why we express this opinion. We mentioned a short while ago that a book called *Kitāb al-Siyar* is attributed to Abū Ḥanīfah. Even though except for a few excerpts the book has not come down to us, at least three or four books by this title have been written on international law by his students. One of them is Ibrāhīm al-Fazārī. His *Kitāb al-Siyar* is available in manuscript form. Muhammad ibn al-Ḥasan al-Shaybānī has authored two books — *Kitāb al-Siyar al-Ṣaghīr*, and *Kitāb al-Siyar al-Kabīr*. These two have also reached us. Zufar, yet another pupil of Abū Ḥanīfah, has also written a work bearing the title *Kitāb al-Siyar*. Two contemporaries of Abū Ḥanīfah, viz. Mālik and Awzā'ī have also written a book each entitled *Kitāb al-Siyar*. Another contemporary, al-Wāqidī, the famous historian, has also written a book on international law under the same title. Inspired by Abū Ḥanīfah's lectures on international law and his book, *Kitāb al-Siyar*, many of his students wrote on the subject. A similar situation perhaps arose in the case of his book *Kitāb al-Ra'y*, and some of his pupils wrote on the same subject under the same title. It is possible that the title of "Principle" was conferred on the subject by Abū Ḥanīfah himself.

CONTRIBUTION OF AL-SHĀFI'Ī

The first three books on the subject have not reached us viz. Abū Ḥanīfah's *Kitāb al-Ra'y*, and Abū Yūsuf's and Muḥammad ibn al-Ḥasan al-Shaybānī's books bearing the title *Kitāb al-Uṣūl*. The earliest work which has reached us was written by al-Shāfi'ī, a student of al-Shaybānī. Al-Shāfi'ī was linked with many traditions at the same time. He was born in 150 AH, the year in which Abū Ḥanīfah died. He did not, therefore, learn directly from Abū Ḥanīfah, but he studied for many years under one of his distinguished pupils, Muḥammad ibn al-Ḥasan al-Shaybānī. Similarly, for many years he remained a student of Mālik in Madīnah. He studied philosophy, logic and dialectics. In those days the Mu'tazilah were at the height of their fame. He dabbled in debates with them as well. Many a quality combined in the person of al-Shāfi'ī with the result that he was able to render a signal service to Islam. One of them was his ability to serve as a link, connecting the groups of opposing trends among Muslims.

Some of the Muslims then, as now, were conservative while others were progressive. People with these two opposing attitudes are found in every culture and community. Some people were busy collecting and learning *Ḥadīth* while some were interested in other subjects. Some jurists whose interest lay in law were busy contributing to the Islamic law with the help of logic and philosophy and their attention was somewhat diverted from *Ḥadīth*.

The result was that in al-Shaāfi'ī's day a serious rivalry had developed between the votaries of *Ḥadīth* (*ahl al-Ḥadīth*) and the votaries of reason (*ahl al-ra'y*). By 'votaries of *Ḥadīth*' are meant those who were busy collecting the sayings and commandments of the Prophet (peace be upon him), and by 'votaries of reason' are meant the jurists who were busy collecting the laws of Islam which they sought to develop with the help of inference and analogy. Both were pulling in different directions because the votaries of reason were not well-acquainted with the *Ḥadīth*. They presumed that the *Ḥadīth* did not provide answers to all their questions. They resorted to reason and analogy and came out with new rulings. It sometimes happened that *Ḥadīth* was found to contain answers to some of the problems posed by them. The votaries of *Ḥadīth* would dub the votaries of reason as heretics, charging them with ignoring the Prophet's traditions, although they certainly did nothing of the kind deliberately. The case simply was that they were unaware of the traditions concerned.

Shāfi'ī combined both the qualities in his person. He had acquired *Ḥadīth* from the masters of the subject and he had learnt law from the masters of analogy. He also had full command over philosophy and dialectics. In his person, therefore, emerged a scholar who served as a link between the two schools and provided a synthesis. His greatest achievement was that he united the two conflicting schools. He was fully conversant with *Ḥadīth* and was a leading expert in analogy, inference, deduction and *ijtīhād*. As a result he was able to satisfy both the schools.

Another achievement of Shāfi'ī is his authorship of *Kitāb al-Risālah* which was aimed at creating unity of thought among Muslims. We can say that this is the oldest available book on Islamic jurisprudence. It has now been translated into many European languages. It has also been translated into Urdu. It can be said that by writing this book Shāfi'ī founded a new science. At least, he provided a strong foundation for it. The statements made in the book continue to hold the field even after the passage of centuries. The technical terms used by Shāfi'ī are still current coin.

The word *risālah* means letter. The background to the use of this word as a title of the book is that he wrote it in deference to the request of a student who wanted a written lesson on the principles of jurisprudence. The answer was a long letter comprising a hundred and fifty pages. It deals in detail with such questions as: What is law? How is it made? What are its sources? How can differences in those sources be resolved? How can a new law be made? How to abrogate an old law? What is the way to interpret the relevant texts and the terms used therein? Shāfi‘ī's *Risālah* attempts to answer these questions. It even explains the rules of language, prosody and rhetoric, illustrating it all with examples. Objections too have been answered by Shāfi‘ī in a profoundly scholarly manner.

In the age of Shāfi‘ī the Mu‘tazilah were at the height of their influence and authority. They were disinclined to consider all traditions, in a simplistic manner, to be authentic. It is now generally believed that they rejected the *Ḥadīth* as such. This, however, is a calumny. In reality their position was not that of rejection of *Ḥadīth*. We have earlier mentioned a book of Abū al-Ḥusayn al-Baṣrī. It had been compiled by a Mu‘tazilī scholar. He explains in detail the canons of the authenticity of traditions. A Sunnī reader will find it difficult to differ with the principles formulated by him. How is it, then, that the Mu‘tazilah were condemned for their alleged rejection of *Ḥadīth*? We should like to refer to the contribution Shāfi‘ī made in this connection.

Scholars of the Mu‘tazilah school believed that there should be more than one narrator of a tradition which lays down a law or from which a law could be inferred. A lone narrator could not be relied upon, not because he is wrong but because law demands two witnesses to confirm a statement. This argument was rejected by other Muslim jurists. The traditionist scholars and Shāfi‘ī gave a convincing reply, with the result that the objection of the Mu‘tazilah to the reliability of single narrator traditions (*āḥād*) lost their weight and people began to accept them. Shāfi‘ī selected a number of instances from the life of the Prophet (peace be upon him) when action was taken on the evidence of one man. For example the Prophet (peace be upon him) despatched a man one day, after the morning prayers, to go round and announce that the *qiblah* had been changed from Jerusalem to the Ka‘bah. Only one person was sent. He asked the people during the prayers to turn their faces towards the Ka‘bah instead of Jerusalem. The people acted upon his word. This proves that during the days of the Prophet (peace be upon him) action was taken on the evidence of one person, and it was never held that unless two persons communicated the command of the Prophet (peace be upon him) it should not be obeyed.

Shāfi‘ī gave another example. One day in Madinah a man appointed by the Prophet (peace be upon him) proceeded alone to proclaim the prohibition about alcohol. Anas, a well-known Companion, relates this incident which he witnessed during his childhood. This is a tradition recorded by al-Bukhārī.

Anas states that at the time the messenger proclaiming prohibition passed by his house, he was serving wine to his guests. Immediately on hearing the proclamation his father asked Anas to destroy the wine. He took up a hammer and broke the barrel into pieces. Those who were drinking threw their cups away. All this took place on the announcement of one person.

Shāfi'ī has given many examples to prove that one man's statement is enough to act on a tradition from the Prophet (peace be upon him). It was his great achievement that he was able to unite both the schools of tradition and the school of analogy so that they could serve better the cause of Islamic law. Until his time the traditionists tended to be content with the study of only the traditions and narrating them to others. They did not study other subjects like logic, philosophy, dialectics, etc. The result was that they insisted on the application of the literal meaning of the words of the texts which was not appropriate. On the other hand, the votaries of reason insisted on resorting to analogy without fully searching, in the first instance, for relevant references to the subject in the *Ḥadīth*. Oblivious of the traditions, they would pronounce on legal questions on the basis of their personal opinion.

The credit goes to Shāfi'ī. Thanks to his impact, the traditionists began to follow a discipline in their subject and started writing *Ḥadīth* under different chapters. Different traditions on the same subject were collected under one heading so that one could determine their chronology and decide which tradition had abrogated another. Followers of the school of reason also began to study *Ḥadīth*. A new avenue for the development of Islamic law came into being largely due to the effort of Shāfi'ī.

So far only four books have been mentioned viz. Abū Ḥanīfah's *Kitāb al-Ra'y, Kitāb al-Uṣūl* by two students of his, and *Kitāb al-Risālah* by Shāfi'ī. Nothing new except commentaries have been published during the many centuries since the appearance of these books. Turks have made a major contribution in that they have written scores of books which are either repetitions of the old or their summaries or they seek to comment on them. A major work in two volumes by Abū al-Ḥusayn al-Baṣrī spread over a thousand and five hundred pages has been compressed into twenty pages by al-Bayḍāwī. It has become a riddle. Then begin a series of notes and commentaries on al-Bayḍāwī's book. The book of al-Bayḍāwī was taught as a text book but to explain it one needed the help of commentaries and notes which continued to be written.

THE MODERN TIMES

In the modern times the most significant contribution to the subject has been made by the late Sir Abdur Rahim. He was once President of the Indian Legislative Assembly. Later he came over to Pakistan. At the invitation of the University of Calcutta, while he was a judge at the High Court of Madras, he gave a series of lectures which were subsequently published under the title *Principles of Muhammadan Jurisprudence*. He has made a little innovation in this field. He has dealt with the subject as discussed in the old books on the principles of jurisprudence and he has dilated upon the new books on philosophy and law published in recent times in Europe. He has tried to compare the two i.e. the Islamic and the European principles of jurisprudence.

From this point of view Sir Abdur Rahim's *Muhammadan Jurisprudence* opens a new chapter in our study of the classical books on the subject. For we come across a few factors which are not to be found in the old books. For example, the first question raised in the old books relates to the sources of law. The answer would be the Qur'ān, the *Hadīth*, consensus and personal reasoning. They would not deal with subjects or categories such as worship, worldly matters like criminal law and the law of inheritance, constitutional and commercial law, etc. Our classical books on jurisprudence do not take account of these categories. Sir Abdur Rahim has treated legal subjects in the manner they are treated in modern legal works. It is his achievement that he has combined the classical and modern learning in his comprehensive work.

THE PLACE OF *IJTIHĀD*

In the end we should like briefly to refer to *ijtihād*, an important principle of Islamic jurisprudence. The Prophet (peace be upon him) gave permission to Mu'ādh ibn Jabal to invoke his own reason only in cases where the Qur'ān and the *Ḥadīth* were found silent on a certain issue. If the Qur'ān is clear, the question of *ijtihād* does not arise. If the Qur'ān is silent and the *Ḥadīth* is clear, the question of *ijtihād* does not arise again. It can be resorted to only in case both the basic sources i.e. the Qur'ān and the *Ḥadīth*, are seen to be silent in respect of our question.

The effort at legislation in this event has been given a number of names by our jurists. *Ijtihād* is one; *qiyās* is another. *Istidlāl* (reasoning) is yet another, and so also is *istiṣlāh*. All these words are not synonymous. There are subtle differences of meaning between them. In this connection I would like to mention the word *istiḥsān* in particular. It is associated with the Ḥanafī school so closely that other schools of jurisprudence do not like it. You should not be surprised, therefore, that Shāfi'ī has written a tract in refutation of *istiḥsān*. The book is entitled *al-Radd 'alā al-Istiḥsān*. It seems from its study that a certain presumed meaning has been given to the word *istiḥsān* which the author proceeds to reject.

According to the Ḥanafī school of law, *istiḥsān* would mean that it is not enough to study the obvious circumstances of a case but one should go deeper into the matter before giving a ruling on the issue in question. We shall cite an example. Suppose we entrust a person with something and ask him to convey it to a particular person. One would ordinarily expect that he would deliver the same thing to its destination. A money order is sent these days through the post offices. We entrust a sum of money to the post office with the request that it should be delivered to a certain person. The common principle of trust demands that the person concerned should convey the same money to the given address. But according to the postal system the money handed over to it is deposited in the treasury and the man who receives the money order is provided with an equal sum. It is not necessary to despatch the very same money that the sender of the money order has paid. This is exactly the meaning of *istiḥsān*. Even though the current system of delivering the entrusted money is different, in a superficial sense, from the concept of trust, yet it facilitates the discharge of the trust, without changing the value of the money for the sum delivered is equal to the sum paid by the sender. Hence the substance of the concept of trust has not been violated.

The purpose of this brief comment was to underline the fact that Muslims have codified their law after the demise of the Prophet (peace be upon him) in a manner which has not only preserved it for posterity but has also ensured that it remains practicable through the ages. It is a universally recognised principle that a law can be changed either by the law-maker himself or an authority higher than his. Anyone of a lower status cannot change the law. If God has given a command, He alone can change it. If a Prophet (peace be upon him) has pronounced a verdict, he or another Prophet can change it and indeed Allah can, but no authority lower than that of a Prophet e.g. a jurist, can change the law laid down by a Prophet. The opinion of a jurist can, however, be rejected by another jurist who can offer his own opinion instead.

This applies not only to individual opinion or an inference but also covers collective opinion. At least the Ḥanafiī school of law accepts that a new consensus can cancel an old consensus. Suppose there is a consensus on a certain issue. We accept its authority but it does not mean that no one can oppose it till eternity. If someone has the courage to oppose it with due respect and reason, and if he can persuade the jurists to accept his point of view, a new consensus comes into being. The new consensus abrogates the old one. This principle has been propounded by the famous Ḥanafī jurist, Abū al-Yusr al-Bazdawī in his book *Uṣūl al-Fiqh* (Principles of Jurisprudence). Al-Bazdāwī belongs to the fourth and fifth centuries of the *Hijrah*. This work is a great contribution to Islamic jurisprudence. It is on account of his statement that we can say that consensus cannot become a source of difficulty for us. If a consensus is reached on some issue and it is found subsequently to be unsuitable the possibility remains that we may change it through reasoning and create a new one cancelling the old consensus.

QUESTIONS AND ANSWERS

Question

What should be the manner and method of *ijtihād*, *ijmā‘* and *qiyās* in Pakistan?

Answer

It is not a problem peculiar to Pakistan. It concerns the whole Muslim world. If we are confronted with a problem for which we do not find explicit instructions in the Qur’ān and the *Ḥadīth*, we will try both individually and collectively to seek the Islamic viewpoint through our own effort. If we achieve unanimity, well and good; otherwise the government will enforce the opinions expressed by the majority of the members of Parliament.

Ijmā‘ and *qiyās* have been mentioned in the question. The real thing is only *ijtihād*. Owing to a slight difference, it has been given different names. We do not need to go into details here about the kind of *ijtihād* which is called *qiyās* and the kind which is referred to as *istiḥsān*. *Qiyās* and *ijmā‘* are in a certain sense, essentially the same, the difference being that *ijtihād* is the opinion of one person while *qiyās* is the consensus reflecting the agreement of all jurists and experts in law.

We have already stated that the concept of *qiyās* exists among Muslims but unfortunately we have paid little attention to institutionalizing it during the last fourteen hundred years, with the result that we have no means of finding out today whether or not consensus was achieved on a particular issue. Muslims were spread over three continents — Asia, Europe and Africa — from the very early stage. It was never found possible to elicit the opinion of all jurists on a certain issue, perhaps because of difficulty of communications at the time. But it is possible to do so today. That is why we suggested that the question should not be confined to Pakistan. An effort should be made to systematically organize Muslims wherever they might be. For example, an association of jurists could be established in every country with its headquarters in any place. It will be exclusively a Muslim association. Its secretariat will receive references from member countries. If it considers a certain issue important enough for Muslim jurists of the world to express their views on it, the Secretariat will circulate the question to all its branches in the Muslim and non-Muslim world. The branches of the secretariat will forward a copy of the question to all Muslim jurists in their respective areas with a request for a reasoned reply. On receipt of replies they will be sent to the headquarters with an analysis indicating whether the replies are unanimous or not. In the event of dissent on the part of some jurists, the notes should contain detailed arguments of the person or the group concerned.

The common language of such an international institution should be Arabic, but on a local level each country could use its own language. For example, if a question is referred to Pakistan, its jurists may reply in Urdu or some other language, but the reply sent to the headquarters should be in Arabic so that all the jurists of the Muslim world could easily avail of it. In our view a good jurist should have good knowledge of Arabic.

On receipt of replies from all the branches a suitable announcement should be made in case unanimity has been achieved on an issue. In case of a difference of opinion, a summary should be prepared and circulated to all jurists. This will enable them to consider the reasoned point of view of all; and those who dissent might consider it worth their while to change their views. When replies are received for the second time in the headquarters one would be able to finally determine the issues on which a consensus has been reached as well as those on which differences continue to persist. We will be able to find out the majority view expressed on the differences involved. All these reports should be published in a volume which should comprise all replies received together with the detailed arguments in favour of or against the proposition.

This is our concept of institutionalizing *ijmā‘* and availing of it in the modern times. It is not at all possible to collect all the expert jurists of Islam and keep them permanently in one place. They can be assembled for a conference for a few days but not for a life-time. If we create an institution it should be easy for jurists to give us the benefit of their views which could be made available to the whole world.

Question

In Islamic law decisions are made on the basis of external behaviour and not inner intention. Why?

Answer

For the simple reason that there is no way to observe a man's intentions. It is also possible that a man had a certain intention at a given moment but he denied it when he was questioned about it. The Prophet (peace be upon him) has asked us to act in such cases on the basis of external acts because intention is known only to God. There is that famous case of Usāmah ibn Zayd ibn Ḥārithah who killed an enemy in a battle even though at the last moment he loudly professed his belief in Islam. The Prophet (peace be upon him) took strong exception to this and asked for an explanation. When Usāmah stated that the man had resorted to the stratagem out of fear, the Prophet (peace be upon him) admonished him and asked: "Did you rend asunder his heart and peep into it to find out the reality?" In other words, we have no choice but to base our verdict on things that are observable — his acts or utterances.

Question

Does everyone have the right of *ijtihād*? If so, how would we solve the large number of differences which could arise on this score?

Answer

The right is not enjoyed by everyone. It is exercised only by experts in Islamic law and jurisprudence. There is no harm in having differences. We should know the majority and minority views. It is only when we know the views of the latter that we have an opportunity either to accept or reject them. The difference of opinion is a blessing provided it is based on integrity and honesty.

Question

Shāfi'ī recommends the acceptance of one witness in connection with the narration of *Ḥadīth* but the Islamic law does not rely in most cases on the evidence of one witness. How has this contradiction been resolved?

Answer

The answer is that a judge will summon two witnesses in a case he is trying in a court of law but the question of collecting the *Ḥadīth* is entirely a different issue. If we receive a *Ḥadīth* through an authentic source, Shāfi'ī recommends its acceptance; but if a case is filed in a court of law it will normally require two witnesses though one will do in certain circumstances. For example, the statement of a midwife about the birth of a baby would be enough because other persons are not usually present on such occasions. But in the case of adultery the Qur'ān has laid down the requirement of four witnesses. What we are driving at is that the acceptance of a *Ḥadīth* is quite different from trying a case in a court of law. Naẓẓām, the famous scholar of the Mu'tazilah, does not favour the acceptance of a *ḥadīth* which does not have at least two narrators, but Shāfi'ī's stand is more reasonable. We need not, therefore, adopt a rigid position on this issue or else we will be deprived of a large number of traditions and this will be a great academic and religious loss. There is no contradiction in the position that a *Ḥadīth* may be accepted on the basis of one witness but in a case before a court of law the proviso for two witnesses should prevail.

Question

Can laws be changed without or contrary to the permission of the law-maker? I refer to the pardon granted by Sa'd ibn abī Waqqāṣ during the battle of Qādisiyyah to Abū Maḥjan al-Thaqafī who was guilty of taking liqour, and also to the abrogation by 'Umar of the law to cut the hand of a thief.

Answer

All that I need say about the first question is that in extremely exceptional circumstances, a law is either not applied or its application is held in abeyance. In the battle of Qādisiyyah, a soldier accused of drinking had been temporarily imprisoned instead of being subjected to flogging. He took temporary release from imprisonment and fought so valiantly that he turned the tables on the enemy. This was a great gain to the Muslims. Sa'd ibn Abī Waqqāṣ, in recognition of his services, pardoned Abū Maḥjan al-Thaqafī who was deeply grieved. Had he been flogged, he said, God would have forgiven him. Even though he was pardoned by man he remained answerable to God. He later repented and vowed not to drink again. We think that Sa'd ibn abī Waqāṣ had the sagacity to provoke the right response of a guilty conscience by pardon instead of punishment.

As regards the second part of the question, 'Umar suspended the law about the cutting of hands because there was a famine in the country. This was his act of *ijtihād*. His selflessness is proverbial. 'Umar never allowed his personal desire to take the better of his duty. It is possible that some people differed with him on the basis of logic. But probably they would have taken the same action in similar circumstances were they to be entrusted with running the affairs of the state at that time.

Question

You stated that only the Law-maker or an authority above him can change a law. 'Umar who was neither a law-maker nor a Prophet changed the law about cutting a thief's hand. What, then, was the reason for this?

Answer

I think He relied on the Qur'ānic verse (2:173): "But he who is driven by necessity . . .". In such a situation prohibitions become flexible for compelling necessity scarcely knows any laws. 'Umar was faced with an emergency in the form of a famine. He allowed the concession. Had he not done so many more people would have died and 'Umar would have been held responsible. Being a God-fearing ruler he could not have tolerated such a situation.

Question

What is meant by *'ijmā'*? Is it the consensus of the community or that of the *'ulamā'*? The tradition of the Prophet (peace be upon him) which sanctions this procedure alludes to the *ummah.* Is it possible to have a consensus of the community? Muslims are scattered all over the world. In such circumstances, whose consensus will be considered the consensus of the community? The consensus of the people of Iraq, or that of the people of Pakistan?

Answer

I have already expressed the view that the consensus of the community and that of the *'ulamā'* is the same thing. The consensus of the community does not mean that the opinion of all persons, including the illiterate ones should be elicited. What it means is that the *'ulamā'* of the community have to express an opinion. If a person has neither a taste for nor an inclination towards any branch of knowledge, his entry in the field as an adventurer would be useful neither for him nor for that branch of knowledge. Those who are meant, therefore, are merely *'ulamā'* and the scholars of jurisprudence. It does not mean that the opinion expressed by them should necessarily be followed. One will give an opinion, possibly another will oppose it, and a consensus will perhaps eventually emerge.

Question

Is it correct to say that the people of Iraq received a comparatively smaller share of *Ḥadīth*, and that Abū Ḥanīfah, therefore, deduced laws mainly through personal reasoning, a tendency which appealed to the Persian mind and became popular on that score?

Answer

I am not willing to endorse this idea. Abū Ḥanīfah belongs to a very early period of jurisprudence. He was born in 80 AH Until then the efforts to compile the *Ḥadīth*, which began during the Prophet's life-time, had not concluded. It was the work of specialists. Some people were interested in *Ḥadīth* while others took up jurisprudence. Books on *Ḥadīth* like those of Bukhārī and Muslim had not yet been written. Had Abū Ḥanīfah abandoned jurisprudence in search of *Ḥadīth* he would have spent all his life in this field.

Traditions had reached Iraq but in certain cases, in the absence of *Ḥadīth*, Abū Ḥanīfah gave his own views on the basis of *ijtihād*. Immediately after him, in about fifty years time, a large number of traditions became available to the jurists. Jurists belonging to the Ḥanafī school expressed opinions contrary to those of Abū Ḥanīfah and they form part of Ḥanafī law. In many cases people adopted the views of his students rather than those of Abū Ḥanīfah himself. But it was nevertheless, considered Ḥanafī school of law. It is a matter of history that at one stage jurists had comparatively little knowledge of traditions. However, they never rejected *Ḥadīth* as such. In my opinion, it is also completely incorrect to suggest that the attitude towards traditions was influenced by the peculiar Persian mental predilection of some people.

⁂

FIVE

INTERNATIONAL LAW

International law operates between independent and sovereign states. It does not deal with relations between nations. And yet it did not begin with states but individuals. Every individual in the olden days was an autonomous unit. The individuals formed families and clans. Relations between autonomous and equal clans were governed by laws. Clans formed a large unit called a tribe. The leader of a tribe could declare war on another tribe. He had the power to make war and peace and enter into treaties and alliances. In short, he performed all the functions usually associated with a state which has its characteristic attributes. But our scholars somehow ignore that period of human history and begin with the period when a state, however small it may be, had come into existence.

A state first came into being in the shape of a city. European scholars start with a city-state perhaps because such units once existed in Greece. They had relations with each other both in times of peace and in war. But the city-state was not peculiar to Greece. It was found everywhere in the world. Even in Arabia we see city-states before Islam. There were tribes as well as cities. Tribes did not have a settlement in which they could stay all the year round. On the contrary, there were cities whose people did not lead a nomadic life. In Arabia we see both city-states and the tribal system existing side by side. A similar situation perhaps obtained in Greece in an earlier period but Western historians begin the story when a city-state had already come into existence.

In ancient Greece, the nature of inter-state relations was such that their dealings with each other could not be called international law. All Greeks belonged to one race. They spoke the same language. They professed the same faith. But they lived in different cities, and each city enjoyed complete freedom and sovereignty. They fought battles and engaged in warface with each other.

According to Western writers the laws of these city-states were confined to dealings with Greeks only. A Greek city followed certain laws in dealing with another Greek city but the Greeks were not governed by any code of law in their dealings with the rest of the world. They used their discretion and adopted different courses of action in dealing with different people.

The Greek international law suffered from a serious drawback for it was confined to a few people and ignored the rest of the world which was considered barbaric and was not, therefore, worthy of being treated in accordance with law. The laws which they devised to deal with their own compatriots were fairly barbarian but in any case they had a fixed code. It is on this basis that we accept the premise that the oldest example of inter-state relations is found in Greece where independent and sovereign city-states conducted their affairs during war and peace in accordance with fixed laws which were really not international law as such.

After the Greek city-state Western historians deal with the Roman era in the context of international law. City-states no longer existed in that period. Rome, which started as a city-state, had by then become the capital of a vast empire which comprised Europe, North Africa and parts of Asia. The Roman period saw both war and peace but still it was not suitable for international law, because according to Western writers, the Roman Empire respected law only in its dealings with states with which it had a treaty relationship and not with the rest of the world which was governed by mere discretion.

An example will perhaps help explain the situation. During the early period a formal declaration of war was considered necessary before engaging in warfare. The rule followed in this regard was that an army would reach an enemy's frontier and stop there. A priest or a religious leader would then take a spear and fix it in the enemy territory. This was considered a declaration of war. Later when the empire expanded, and it took several weeks to reach the enemy frontier, the priests hit upon a plan to avoid inconvenience to themselves. The soil of various lands was collected into bags which were deposited in the state treasury in Rome. Whenever it was considered necessary to declare war against a certain country, its bag was taken out and the priest most solemnly thrust a spear into it.

The Roman period was not congenial for the development of international law. It had rules about war and peace but they were not the same for everyone. Oppenheim, the the well-known authority on on international law, remarks that it is neither necessary nor possible to discuss the relations of the Romans with other countries. His opinion is based on the Roman claim that the world is a Roman globe and belongs to them. No one needs international law in one's own territory. It is on this account that Oppenheim states that the question of international law did not arise in the Roman period.

Western historians begin their account of international law with the emergence of the city-state, proceed to the Roman period and then jump a thousand years to reach the Renaissance era in the fourteenth or fifteenth century CE when the modern international law is stated to begin. And yet it is not international law at all. Until 1856, the so-called international law dealt with the Christian states only. It was not considered necessary to follow fixed laws in relation to non-Christian states.

In 1856, the European states for the first time felt obliged to apply the same law to a non-Christian state i.e. the Ottoman Empire. After that there was a gap of nearly sixty years. The second non-Christian state which was considered worthy of this treatment was Japan which defeated Russia in 1905. The First World War broke out a little later. During this war a few other states were considered worthy of the same treatment. But these states had to fulfil certain conditions before they could be admitted into the League of Nations. After the Second World War the League of Nations was replaced by the United Nations Organization. Every country cannot, in its own right, claim its membership. At least two states which are already members of the Organization have to sponsor the candidature of a new country. The sponsors have to verify that the state in question is a civilized country and acts on international law and deserves, therefore, to be treated in accordance with it.

INTERNTIONAL LAW BEGAN WITH ISLAM

If international law is a law which is equally applicable to all countries of the world and is not confined to a few specific nations, then it originated with the advent of Islam, and Muslims are perhaps the only nation in the world which can legitimately claim to possess an international law. An international law which is both truly 'international' and 'law' began with the Muslims.

The status of Islam in the beginning was that of a state within a state in Makkah. Muslims lived in the city-state of Makkah but they did not consider themselves obliged to obey the old laws of the city nor did they give allegiance to its ruler. They obeyed their own leader, the Prophet of Islam (peace be upon him), and turned to him for guidance. They had their own laws and their own administrative arrangements.

After their migration to Madinah they founded a state and framed a constitution for it. We do not know how ancient states were founded but we know exactly how the state of Madinah came into existence. On reaching Madinah the Prophet (peace be upon him) found that it was inhabited by many tribes which had been fighting with each other for nearly a hundred and twenty years. There was no central authority, no organized system, no government. The Prophet (peace be upon him) proposed to the people of Madinah that they should organize themselves for purposes of defence and justice and choose their own leader. The proposal was accepted by the local populace and the tribes. A question arises as to how arises the Prophet (peace be upon him) was selected for leadership while the Muslims were still in a minority in Madinah.

There were two kinds of Muslims in Madinah i.e. those who belonged to the city, and those who had migrated there from Makkah. The majority of the city's population, however, comprised those who had not yet embraced Islam. There were Jews as well as a sprinkling of Christians. The diversity and differences notwithstanding, the people of Madinah elected the Prophet (peace be upon him) as their leader. The reason was that the tribes of Madinah were at odds with each other. It was impossible for them, therefore, to elect a leader from among themselves who would be acceptable to all the tribes. So they decided to opt for a neutral person. They elected the Prophet (peace be upon him) as their leader. The rights and duties of the ruler and the ruled were reduced to writing in detail, and a legal document was prepared. This is the document which can be called the constitution of the city-state of Madinah.

The document which has reached us contains considerable detail about domestic administration. The right of religious freedom is clearly affirmed. Defence arrangements have also been spelt out together with laws of war and peace.

Soon after the establishment of the state of Madinah, Muslims were confronted with a war. In 2 AH the city-state of Madinah was invaded by the city-state of Makkah. International law usually deals only with two things i.e. war and peace. The Prophet (peace be upon him) had enjoyed peace only for a few months after the formation of the state when he was confronted with a war. Many a problem had to be resolved and decisions taken. Many a question had to be answered; for instance, should war be declared? And after the war ended it had to be decided whether only adults capable of bearing arms, should be killed, or should the same fate be meted out to all enemy men, women and children? Should a slave be put to the sword? Should he be killed only in the battle-field? How is one to treat prisoners of war? Should they be executed or released with or without ransom? Should an exchange of prisoners of war take place? If so, how?

Scores of questions relating to the conduct of war had to be answered. The practice and pronouncements of the Prophet (peace be upon him) provided the guidelines for the law which came into being and thus was born the concept of the Islamic international law. In this law there is no distinction between the Muslim and non-Muslim aliens. Everyone is treated according to the same law irrespective of the fact whether he is Muslim, Jew, idol-worshipper or a man without any religion at all. For example, if a declaration of war is considered necessary, this applies to all states irrespective of their religion or faith.

It was during the ten years of the Prophet's stay in Madinah that the international law of Islam came to be formulated. When books began to be written on the subject, Muslim scholars naturally referred first to the Holy Qur'ān, or else they discussed the words and deeds of the Prophet (peace be upon him). Islamic international law belongs to the Prophet's period of Madinah. The Makkan period does not provide us with an equally valid source because Islam was a state within a state there. Muslims fought no war during this period even though they were persecuted and killed.

When Muslim scholars started writing on jurisprudence their concept was much wider than that of Western writers. Pick up any Western book of law and it will be found utterly lacking in dealing with questions relating to worship. The Muslims made their law very comprehensive and dealt with both the physical and spiritual life of man. When Muslim jurists compile a code of laws, it includes worship, civil and military affairs, inheritance, etc., together with international law. Even though they call the subject *Siyar* (literally biographies), it deals invariably with international law.

EARLY WORKS ON INTERNATIONAL LAW

The oldest book of jurisprudence we have today is Imām Zayd ibn 'Alī's *al-Majmū' fī al-Fiqh*. Imām Zayd, the grandson of Ḥusayn and son of Zayn al-'Ābidīn, is the founder of the Zaydī sect. He was a great scholar. A chapter on international law is included in his book. The chapter is called

Kitāb al-Siyar. The word *siyar* in Arabic is the plural of *sīrah*. The famous Ḥanafī jurist Imām Sarakhsī has stated in his book *Kitāb al-Mabsūṭ*, that by *sīrah* is meant the attitude adopted by the ruler towards aliens in the state of war and peace. He adds that in addition to aliens, such a law would apply to two categories of citizens as well i.e. apostates and rebels. Thus the concept of international law in Islam is wider than the one found today in the West. Zayd was the first to use the expression *Siyar* in the sense of international law and since his day the term has remained current without any disagreement. Every author — Ḥanafī, Shāfi'ī, Mālikī, Ḥanablī, Shī'ī — has used the same expression with the sole exception of the Khawārij. In their book of jurisprudence, which we have secured with great difficulty, the chapter on international law is entitled — *Kitāb al-Dimā'*, that is the "Book of Blood" because it deals with war.

In short, the earliest extant work on the subject is Imām Zayd ibn 'Alī's book. In a sense, he is considered the teacher of Abū Ḥanīfah. Zayd rebelled against the Umayyads but his supporters let him down. He was arrested and executed in 120 AH Abū Ḥanīfah died in 150 AH.

Between 120 AH and 150 AH, Abū Ḥanīfah wrote a book called *Kitāb al-Siyar*. Its history is interesting. In it he expressed the opinion that armed rebellion against a Muslim ruler was in order if all other ways and means to seek redress had failed. Other jurists hesitated to give such a verdict. Not only that, they rejected the verdict of Abū Ḥanīfah and wrote books in refutation of the theme. Abū Ḥanīfah's verdict was based on a *Ḥadīth* which said that if someone saw an evil he should alter it by force. If, however, he was not strong enough to change it by force he should, at least, offer verbal opposition to it i.e. he should try to change it through persuasion. If he does not have the courage to do so either, the least he can do is to look upon it as an evil. One who comes across an evil and does not consider it as such even in his own mind is not a good Muslim for this is the weakest manifestation of faith. This is how Abū Ḥanīfah argued in support of his opinion.

Other jurists, who opposed him and held that rebellion against the government was not permissible in law, based their argument on another tradition which said something to this effect: "If the ruler dispenses justice to you, be grateful to God and be patient in case he indulges in tyranny." We are faced with a situation in which we have two apparently conflicting traditions on the same subject even though the context of each is different. Abū Ḥanīfah, of course, does not advocate resort to rebellion against authority on trivial matters. On the contrary, he lays down the proviso that all peaceful avenues should be thoroughly exhausted before resorting to arms.

Imām Awzā‘ī, his contemporary, wrote a refutation of Abū Ḥanīfah's work on international law. Unfortunately we have neither the work of Abū Ḥanīfah in its original form nor its refutation by Awzā‘ī. All that we have are excerpts from the two works in Imām Shafi‘i's book *Kitāb al-Umm*, which throw light on issues on which the two jurists disagreed. When Awzā‘ī, a jurist of Damascu, wrote a tract on the work of Abū Ḥanīfah, a jurist of Kūfah, the latter did not consider it appropriate to answer the criticism. His pupil, Abū Yūsuf, undertook the task. His book, too, is not available in original but is mentioned excerpts of Imām Shafi‘ī's *Kitāb al-Umm*.

Based on these extracts, a book was published not long ago in Hyderabad, Deccan. It gives some idea of the viewpoints of Abū Ḥanīfah, Awzā‘ī, and Abū Yūsuf. Thanks to Shāfi‘ī, a good part of these rare books has been preserved, although they have not reached us in their entirety. In this connection Ibn Ḥajar, the biographer of Imām Shāfi‘ī, has commented in *Tawālī al-Tāsīs* that Abū Ḥanīfah was the first to write a book on *Siyar*. Imām Awzā‘ī responded with his book which was in turn refuted by Abū Yūsuf. Shāfi‘ī then commented on Abū Yūsuf's work in his book *Kitāb al-Umm*. This is the background of the early works on international law.

CONTRIBUTION OF ABŪ ḤANĪFAH AND HIS STUDENTS

Although Zayd ibn ‘Alī was the first to take notice of the subject, his book contains only one chapter on international law. Abū Ḥanīfah is the first to produce an independent work on the subject. He must have taught the discipline to his students. He used to first give an exposition and then would invite the views of his students. A discussion ensued and different aspects of the problem became clearer. With the help of excerpts from his lectures one could compile a more comprehensive book.

Unfortunately the original work of Abū Ḥanīfah has not been preserved. We reckon it was no more than a brief tract of some twenty or twenty-five odd pages. We have, however, with us the books of his pupils like Muḥammad Shaybanī, Zufar and Ibrāhīm al-Fazārī. At least two of them, i.e. Shaybāni and Fazārī have written hundreds of pages on the subject. We think that possibly the lectures of Abū Ḥanīfah were taken down by his students and they were later attributed to the students who compiled them.

The manuscript of Fazārī's work, which is in Kufic script, is preserved in Morocco.

Muḥammad ibn al-Ḥasan Shaybānī, one of the students of Abū Ḥanīfah, has written two books on the subject viz. *Kitāb al-Siyar al-Ṣaghir* and *Kitāb al-Siyar al-Kabīr*. When the former was written, Imam Awzā'ī is reported to have commented: "How dare the Iraqis write on the subject for they know so little of *Ḥadīth*?" When he came to know about the comment, Shaybānī wrote *Kitāb al-Siyar al-Kabīr*. It was so voluminous that it had to be carried in a cart to Baghdad for being presented to Caliph Hārūn al-Rashīd. We have received this work in the form of a commentary. Sarakhsī, the famous Ḥanafī jurist of the fifth century of *Hijrah* is the another of the commentary. The conditions in which he wrote it were indeed dramatic.

Imām Sarakhsī was an extremely intelligent, erudite, honest and fearless jurist. He was imprisoned presumably because of a verdict he gave against the imposition of unjust taxes by the contemporary rulers. In view of his reputation as a great jurist the government could not dispose him off but kept him in a dry well. During the fourteen years of his incarceration in the well he somehow secured the permission of his captors to allow his pupils to sit on the wall of the well and take down his lectures.

One is indeed surprised to see the long list of monumental works produced during those fourteen years of imprisonment. *Kitāb al-Mabsūṭ* has been published in thirty volumes. This was dictated from within the well. The commentary on *al-Siyar al-Kabīr* of Shaybānī, which is in four volumes, was also dictated from the well. No less than a dozen works were dictated in this manner by the celebrated jurist during his imprisonment. We, who are free, should learn a lesson from the example of the great scholar who continued his work even in the dry well, where he was not allowed to keep a single book, and yet bequeathed to the posterity a wealth of scholarship.

One of his many works is *Sharḥ al-Siyar al-Kabīr* which is by far the earliest book available on the subject of international law today. It could not have been written without the requisite references. The master was confined to the well but the students were free. Perhaps they read aloud from the books from without and the Imām dictated the commentary from within the well. This is how he also dictated the thirty volumes of *Kitāb al-Mabsūṭ*.

Sarakhsī's *Sharḥ al-Siyar al-Kabīr* was published in 1335 AH from Hyderabad, Deccan but unfortunately no new edition has since come out. An attempt was made in Egypt to publish a new edition but till now only four volumes have been published which cover less than half the book. In view of the importance of the book, UNESCO decided to bring out a French translation.

OTHER EMINENT JURISTS

Muḥammad ibn al-Ḥasan al-Shaybānī's book occupies an important place in the history of international law. Among his contemporaries, Ibrāhīm al-Fazārī, a student of Abū Ḥanīfah, also wrote a book. Other eminent jurists have made similar contributions. Mālik wrote a book under the same title *Kitāb al-Siyar*. Unfortunately it is no longer available. His work '*al-Mawaṭṭa*'' devotes barely half a page to this subject which is obviously not enough to meet our requirements. Another contemporary of his, the famous historian Wāqidī, also wrote a *Kitāb al-Siyar* but that too is not available. In Shāfi'ī's *Kitāb al-Umm*, however, there is a lengthy extract of some fifty odd pages from *Siyar al-Wāqidī*.

These were the last as well as the earliest full-length books on international law. They were produced in a certain period perhaps for a particular requirement. But the Muslim interest in the subject continued unabated. All the books written on the subject from the olden times until today contain a chapter called *Kitāb al-Siyar*. All authors irrespective of their affiliation — Ḥanafī, Shāfi'ī, Mālikī, Ḥanbalī, Shī'ī, Fāṭimī — agree on international law which carries no sectarian stamp. All jurists base their work first on the Qur'ān and then on the *Sīrah* i.e. the life of the Prophet (peace be upon him). All books written during the last 1300 years by authors belonging to different schools include a chapter on *Kitāb al-Siyar*. Even the work which is considered an abstract of all the books i.e. *Fatāwāi 'Ālamgīrī*, includes a chapter on it. Some books which were used during Aurangzīb's day are no longer available but extracts from them are to be found in the *Fatāwā*.

In all these books the same principles have been followed. The authors naturally take into account the special circumstances obtaining in their country or those that they themselves encountered. This fact gives each author's work its special characteristics. Sarakhsī, for example, refers to soldiers riding on bulls during a battle. Such a battle obviously took place in a country which had bulls, an animal not seen in an Arab battlefield. Mālikī authors from North Africa and Spain frequently refer to poisoned arrows which are not mentioned in books written by non-Mālikī writers, for the simple reason that this practice did not exist in other places. In books written by Sarakhsī we come across the mention of carriages for carrying loads, instead of beasts of burden which perform the same function elsewhere. In short, peculiarities of different regions are evident from the contents of the works on international law. However, they do not detract from the similarity of the general approach to the subject.

CONTENTS OF INTERNATIONAL LAW

Let us turn now from these details to the contents of international law. In our day, public international law and private international law are considered different disciplines, but Muslim jurists do not make any distinction between the two, and discuss both in the same chapter. Private international law deals with the relations of a government with the subjects of another state while public international law is confined to inter-state relations.

This is the basic difference between the two disciplines. For example, problems relating to the law of nationality will be dealt with in private international law. Muslim scholars include the relations of various Muslim sects into this law. For example, they discuss Shī'ī-Sunnī relations from a legal point of view. Suppose an inheritance case comes up in a court of law. The deceased was a Shī'ī while his widow is a Sunnī. Which law will determine the share of inheritance? This problem will be determined by the private international law of Muslims. Suppose again that a Muslim individual who is the subject of a Muslim state has entered into a commercial contract with an individual of an alien state. The law of the alien state lays down that an individual who is less than eighteen years of age is not entitled to enter into a contract while the Muslim law does not prescribe an age limit but speaks merely of physical maturity which is possible before the stipulated age of eighteen years. The case comes up in a court of law. A counsel argues that his client had not come of age at the time of signing the contract, and therefore, no responsibility devolves on him and the contract should, therefore, be declared null and void. Such cases belong to private international law.

Public international law deals with three subjects viz. law of peace, law of war, and law of neutrality. The law of peace mostly deals with three or four issues. Sovereignty is the first. Which country should be considered sovereign? Modern international law includes rebels in it but only when they begin to control and administer an area of the country on their own. Similarly, the law deals with details of sovereignty. In British India, e.g., there were areas which were ruled directly by the British government and there were states which were ruled by princes e.g. Hyderabad, Bahawalpur, Kashmir, etc. Will these states be considered sovereign for purposes of international law? If so, what will be the rules governing them? Even if a state enjoys partial sovereignty and has the right to send out an ambassador to one country, it will be subject to international law. In short, such subjects are discussed under sovereignty.

Another subject is "property", which mostly deals with conquests. Does part of a state conquered by another automatically become part of the victor country or does it require some formal procedure? If so, what would it be? The discussion on property will also deal with the sale of property. A state acquires land, sometime by conquest, sometime by exchange of territory and sometime as a gift. We come across many examples of it in Indian history. Two rulers quarrel over a piece of land. At last a compromise is reached on the basis that the territory concerned would be ceded to the ruler as a dower for his son who marries the daughter of the other ruler.

Yet another topic which is dealt with in public international law is jurisdiction. Will the laws of one state be applicable to the subjects of another state? And if they do, then the extent of their application is to be determined. In this connection we should like to refer to Shaybānī's *al-Siyar al-Kabīr* which has an interesting chapter on this subject. He states that in the event of an alien filing a suit in a Muslim state, the court will apply laws prevailing in the state of the alien.

Suppose, for example, two Indian Hindus came to Pakistan. They had a quarrel between themselves. One of them approached a Pakistani court. In such a situation the law of India and not that of Pakistan will apply. It is in this connection that Shaybānī states that Muslim judges need to acquaint themselves with the laws of alien lands. He quotes example from the days of the Prophet (peace be upon him). He writes, e.g., that in Madinah some Jews came to the Prophet (peace be upon him). They had with them a Jewish couple who were accused of adultery. The Prophet (peace be upon him) enquired about the Jewish law applicable in such cases. The Jews tried to mislead the Prophet (peace be upon him). They said that the face of the person found guilty was to be blackened and he was to be paraded through the town in a procession, riding a donkey with face backwards, to the accompaniment of drum-beat. The Prophet (peace be upon him) did not accept the statement and asked for a copy of the Torah. When it was brought to him he asked the relevant portion to be read out in the presence of 'Abd Allāh ibn Salām, a Jewish convert to Islam. A Jew began to read it. He put his finger at one place on the page. 'Abd Allāh ibn Salām asked him to remove the finger and to read the words he was trying to hide. It was written there that the penalty for adultery was stoning to death. The Prophet (peace be upon him), therefore, pronounced this penalty. This example shows that the Islamic law is not applicable to aliens for they are subject to their own law. Shaybānī has devoted many pages to a discussion of this issue in his book.

The law of peace concerns embassies. In the old days there were no permanent ambassadors. They were assigned for a specific purpose to a country for a limited period of time and returned home after concluding their mission. Syed Ameer Ali in his *History of the Saracens*, has stated that the institution of permanent ambassadors was created by Muslims two hundred years before Europe adopted it.

The subjects discussed under the law of war include the law of war in respect of human beings, the law governing property, and the constituents and qualities of a treaty concluded at the end of a war.

In short, international law covers principles and regulations governing the relations of one state with another.

QUESTIONS AND ANSWERS

Question

During the Makkan period, Muslims did not submit to the state of Makkah. Is there any evidence to suggest that they did not submit even to the laws which were not repugnant to Islam? Is it not a violation of the injunction to obey those who rule? Would non-Muslims be justified in treating it as a rebellion?

Answer

Muslims of Makkah referred all their cases to the Prophet (peace be upon him) and ignored the state machinery. The city-state of Makkah had two officials to oversee judicial matters. One dealt with civil matters while the other with criminal cases. Muslims did not resort to either. The early Muslims went only to the Prophet (peace be upon him). That is why we described this situation as a state within a state. Since the Muslims of Makkah did not recognise the legitimacy of the state the question of their obeying it did not arise. The injunction to obey rulers will apply only when the rulers are our own. The pagans of Makkah must have considered it a rebellion. That is why they persecuted the Muslims and the Prophet (peace be upon him). They also killed a few. This sorry state of affairs ended after years of tyranny and persecution.

An incident took place on the day of the conquest of Makkah which led to the conversion of the entire populace to Islam. People of Makkah were summoned to the Holy Mosque by the Prophet (peace be upon him). Everyone came thinking that the day of retribution had arrived. The Prophet (peace be upon him) ordered Bilāl to stand over the roof of the Mosque and call the faithful to prayer. An unbeliever on hearing the *adhān* whispered to a pagan sitting next to him that his father, had he been alive, could not have suffered a black donkey braying on top of the House of God.

The Prophet (peace be upon him) led the prayers, and then addressed the people of Makkah reminding them of the treatment they had meted out to him in the past twenty years and asked what they expected of him. Had the Prophet (peace be upon him) wished he could have put all the people of Makkah to the sword, and they deserved it too. He had the military might and he had conquered the city. He could have ordered at least the confiscation of their property because they had looted the property of Muslims. He could have ordered that they should be taken as slaves. Such an order was possible and permissible and they also deserved it. But the last Prophet of God (peace be upon him) did nothing of the kind. He uttered only one sentence: "Today there is no blame on you, there will be no retribution; go, all of you are free!"

The same person who was cursing Bilāl a short while ago, on hearing the pronouncement of the Prophet (peace be upon him) suddenly got up, and presented himself to the Prophet (peace be upon him). Addressing him he said: "I am Utāb ibn Usyad, your known foe. I declare that there is no God but Allah and Muḥammad is His Messenger!"

The effect of the proclamation of amnesty was instantaneous. Not only Utab ibn Usyad but the entire population of Makkah embraced Islam overnight. Two years later the Prophet (peace be upon him) died and many a tribe went back on its pledge and turned apostate. The Makkans were in the vanguard of those who remained most steadfast and without betraying the slightest hesitation offered their services for the cause of Islam. When Utab ibn Usyad, a sworn enemy of the Prophet (peace be upon him), declared his acceptance of Islam, the Prophet (peace be upon him) named him governor of Makkah and returned to Madinah without leaving a single soldier behind.

Coming to the original question, it must be borne in mind that Islam was not like other worldly movements. It was a Divine blessing for mankind and the man who brought it has left an indelible mark on the history of the world. Under the circumstances it was not at all necessary for the Muslims of Makkah to obey the laws of the city for they were the heralds of a new ideology which was conducive to the well-being of all mankind.

Question

Tracing the historical evolution of international law you mentioned the laws of the Greeks and the Roman empire. In this connection the Qur'ān refers clearly to an embassy of Solomon sent to Queen Sheba. What is the status of this embassy?

Answer

Nations other than the Greeks and Romans need to be mentioned in connection with international law. The Hindus, Jews and even Red Indians made their contributions but owing to paucity of time we could not take account all of them in the lecture.

Solomon will be mentioned in connection with Jewish law, which has no comparison with the brilliant tradition of Islamic law. According to *Deuteronomy*, God commands Moses to offer peace in the first instance to the people of a city he sets out to conquer. If they accept it and throw open the gates of the city he is asked to enter it triumphantly and make slaves of all residents who shall render him obedience and pay taxes. In the event of their refusal to accept peace, all inhabitants of the city of all ages, infants and animals were to be put to death after the conquest of the city. Samuel's book confirms the same law. It is perhaps because of this legacy of theirs that Israel has yet to develop qualities of a civilized nation.

Solomon was certainly a Prophet (peace be upon him). We do not know whether or not statements attributed to Joshua and Samuel in the present day

Torah are correct, but the Jews had a law of peace and war. Solomon's relations with the state of Sheba are an example of the law of peace for the two states never went to war with each other.

Question

It is not permissible in Islam to attack another state. But the state of Madinah, the moment it felt strong, was the first to attack Makkah. What was the reason?

Answer

The Muslims were not the first to attack Makkah. You will recall the Treaty of Ḥudaybiyah signed in 6 AH It stipulated that the two parties would refrain from persecution and aggression, whether overt or covert. But the Makkans violated the treaty by providing arms and assistance to their ally, the Banū Kanānah, in their fight against Banū Khuzā'ah, a tribe which had an alliance with the Muslims of Madinah. Some members of this tribe were killed in the encounter. It was under these circumstances that the Muslims of Madinah retaliated and attacked Makkah. It cannot be dubbed as aggression because the Makkans were the first to break the treaty.

While conquering Makkah, and the Prophet (peace be upon him) performed a feat as a military commander which still boggles the mind. The Makkans were taken completely by surprise. An army of 10,000 men advanced from Madinah, made camp in the suburb of Makkah, and yet the Makkans remained unaware of its existence, and the city was captured without shedding a drop of blood. And then with a single sentence: "Today there is no blame on you, there will be no retribution; go, all of you are free!", the Prophet (peace be upon him) converted them from deadly foes into devoted and sincere followers. In the light of history, therefore, the conquest of Makkah cannot be termed as a war of aggression.

Question

To what extent was Islamic law influenced by Roman law and in which branches?

Answer

A book in Arabic has been recently published on this subject. The title is: هل للقانون الرومى التأثيرعلى الفقه الاسلامى؟ ("Has the Roman Law Influenced the Islamic Law?"). It comprises Arabic translation of five articles by authors of different nationalities. They all all deal with the same problem. It is surprising that all of them reach the same conclusion. They are themselves surprised to discover that the Roman law had no influence whatsoever on Islamic law.

The French author has significantly called his contribution "The Mystery of the Formation of Muslim Law". He has expressed surprise as to how Islamic law escaped the influence of Roman law. In other words, all of them agree that there is no link between the Roman and the Muslim law. The Roman law was written in Latin, and no translation into Arabic or any other oriental language is traceable right till the second-half of the twentieth century. Another relevant factor is the legal autonomy given in the very initial stages of the Islamic conquests to every group of people which came under its sway. If the parties to a dispute were Christians their own law was applied. The presiding judge had to be a Christian. They did not have to appear before an Islamic court. If the parties to a dispute were Muslims, the case was decided in accordance with the Islamic law.

We would like to refer to another factor. There can be found no trace of the influence of Roman law on the terminology used in Islamic law. For example, the Roman law uses the term *jus* for law while the Muslim law uses the term *Fiqh*. *Jus* means "rights" while *fiqh* means "to know; to understand". The Muslims never used the term *jus* or "rights" for their law. The Roman term is being used in Turkey, Egypt and Iran in the modern times. The reason for the belated use of the expression is that our students study the subject in Western universities and start using the term "rights". But Muslims always referred to their jurisprudence as *Fiqh* and not as the "Science of Rights". Among the Westerners I do not include the British and Americans for the English word "Law" does not mean "rights". I had in mind the expression used in the French, German and Italian languages. The academic influence of France in particular has been considerable on Turkey, Iran and the Arab countries.

All the contents of a book on Roman law could be classified under three categories viz. Persons, Property and Acts. On the contrary, the first subject in a book on Islamic law is *'ibādah* – that is, prayers, fasts, pilgrimage to Makkah, and *zakāh*. This is followed by civil transactions (*mu'āmalāt*), finally ending with criminal law. Had Islamic law been influenced by Roman law it would have, at least, betrayed some traces of that influence in purely technical terms, and the law of Islam would have been based on persons, property and acts; but this is not so. In the writings on Islamic law of all schools, without any exception, the subject of *'ibādāt* comes first, but no book of Roman law ever mentions this topic. In short, Islamic law has not at all been influenced by Roman law.

Another factor is also relevant. When Muslims conquered the countries which once formed part of the Byzantine empire, Roman law was not operative in those areas. For various reasons the local people had been granted autonomy and their cases were decided by their own priests. Since Roman law did not exist in the areas conquered by the early Muslims, the question of their being influenced by it does not arise. It has been mentioned by some authors that Roman law was taught in the city of Beirut, and therefore, some Muslims might have been influenced by it. The fact is that the school teaching Roman law in Beirut had been closed down two hundred years before Islam.

Question

An Islamic state conducts commerce with other countries under international law. But all countries today conduct their business on the basis of interest. What does Islamic international law say on the subject?

Answer

There is no difficulty about it. If you do business there is no question of interest. On the contrary, if you borrow, interest can be demanded. If Muslims arrange for mutual trade and refrain from demanding interest, and if they borrow on the basis of sharing both losses and gains, they can keep clear of interest. The Islamic law about interest cannot be changed. It is another issue whether or not we are able to act on it. The British thrust this evil on us when we were under the colonial rule. But we are now free and we have our own potentialities and possibilities which can help save us from this curse.

Question

Majid Khadduri, an Iraqi Christian, has defined *jihād* as follows in his book, *Islamic Law of Nations*, *jihād* is a collective duty imposed upon Muslims to fight the unbeliever wherever he is". In your book *The Muslim Conduct of State*, while differentiating between Islamic faith and Islamic rules you have emphasised that "Islamic rule is established by all means, including *jihād*". Don't you think that a *jihād* of this nature comes into conflict with the UN Charter? And how far is it practical to engage in *jihād* in the modern times?

Answer

I do not recall the exact sentence from my book. All I can say is that Islam does not permit aggression; it only sanctions a defensive war, as is evident from the Qur'ānic verse: "And fight in the cause of Allah against those who fight against you, but do not transgress. Surely Allah loves not the transgressors" (2:190). Since a war of aggression is not allowed and only a defensive war is permitted, there should be no difficulty in peaceful co-existence. This is precisely what Islam wants. It would not be correct, therefore, to suggest that Islam is against peaceful co-existence. As regards Khadduri's statement, I do not agree that *jihād* means "to fight the unbeliever wherever he is". This statement can be misleading until it is properly explained. It is only in the event of a declaration of war that an enemy can be fought wherever he is. And this right is also enjoyed by the enemy.

Question

As a result of the blockade of Leningrad some twelve million people lost their lives. Under Article 3 of the Geneva Convention, blockade is prohibited. What is the provision in Islamic international law in this regard? Can an indispensable commodity of life be stopped?

Answer

We are a bit doubtful about twelve million people dying during the siege of Leningrad. The figure probably covers the total number of causalities during the Second World War.

We come across two examples of siege or a blockade during the days of the Prophet (peace be upon him). One is the siege of the enemy during war. Some Jewish tribes — Banū Qaynuqā‘, Banū Naḍīr and Banū Qurayẓah — were besieged by Muslims and were forced to surrender because of hunger. This method of warfare, therefore, became permissible due to the practice and precept of the Prophet (peace be upon him). The other example relates to the war in Khaybar. There, too, one finds the same situation. The Muslims laid siege. The Jews resisted until they exhausted the supplies that they had stored and then they were obliged to surrender.

There is yet another example and it relates to Makkah. A man from Najd, Thumāmah ibn Athāl, embraced Islam, probably in the year 6 AH. He is on record as having stated that a moment before his conversion he considered the Prophet (peace be upon him) as the worst possible man in the world but with his submission to Islam he became to him the best and the most beloved of all mankind. When he was leaving for his home town, he declared that not a grain from the granaries of Najd would be sold to the people of Makkah. In consequence, there was a famine in the city. Abū Sufyān sent a message to the Prophet (peace be upon him) beseeching him to be lenient because his own relatives were dying of hunger. The Prophet (peace be upon him) wrote to Thumāmah asking him to end the blockade.

We find precedents for both in the conduct of the Prophet (peace be upon him). In one case he continued the siege until the enemy was obliged to surrender; in another he lifted the siege without forcing a surrender, so that the enemy might respond to the gesture and join the Muslim ranks.

* * *

SIX

RELIGION

Leaving aside the religious belief about the person of the Prophet (peace be upon him), historical facts prove him to be truly unique. In order fully to bring out his all-embracing personality, an historian or a biographer has to deal with many aspects, for he combines in his person the characteristics of all the Prophets who preceded him.

In the limited sense of the word, a Prophet (peace be upon him) teaches religion; but in the wider sense all achievements of the Prophet are part of his prophetic mission. It is impossible to deal with all the aspects in one session, but obviously the teaching of religion is the most important. From the moment the prophetic mission was entrusted to him the Prophet (peace be upon him) devoted himself whole-heartedly to it till his last day. Fortunately for us we have tradition in which he himself provides us with a summary of the subject. It is available in all the well-known collections like those of Bukhārī, Muslim, etc. The tradition clearly suggests that the incident we are about to narrate relates to the last phase or perhaps the last year of his life.

The *ḥadīth* in question relates that a stranger entered the Mosque of the Prophet. Nobody recognised him. He was clad in pure white and his hair was jet black. He came and seated himself in front of the Prophet (peace be upon him) and asked: "O Muḥammad! What is faith?" The Prophet (peace be upon him) explained what faith was. The stranger expressed satisfaction with the answer. The narrator of the *ḥadīth* records that everyone present was surprised that a person should ask the Prophet (peace be upon him) a question, and then also confirm his answer as correct. The stranger proceeded to ask the second question: "What is Islam?" The Prophet (peace be upon him) explained Islam and the stranger affirmed: "You are right". He then asked: "What is *iḥsān*?" The Prophet (peace be upon him) explained the term and the questioner once again confirmed that the answer was correct. He then asked the last question: "When will the Doomsday be?" The Prophet (peace be upon him) answered: "In this regard my knowledge is no more than yours", meaning that God alone knows. The stranger then got up and went away. The Prophet (peace be upon him) asked a Companion to find out who he was. A little later the Companion returned to report that the man had disappeared.

After this point the incident is narrated in two different versions. One tradition says that the Prophet (peace be upon him) immediately disclosed, while the other says that he disclosed a few days later, that the person in question was Gabriel who had come to teach religion, and the second version also mentions that he added that never before did he have any difficulty in recognising him. The implication was that if Gabriel came to test the Prophet (peace be upon him) it was not necessary for the latter to recognise him. In any case, three subjects have been explained in the tradition under reference viz. faith (i.e. *īmān*), Islam and *iḥsān*, in other words, belief, worship and *taṣawwuf*. On the face of it, the topic is uninteresting for everyone knows what is meant by faith — belief in the unity of Allah and belief in His Prophet (peace be upon him) etc. Similarly, everyone is familiar with the mandatory acts of worship — prayers, fasts, pilgrimage, and *zakāh*. And everyone is also aware of some constituents of *taṣawwuf*.

The subject will become more interesting if we make a comparative study with other religions so that the distinctive features of Islam could be brought out with greater clarity.

TAWḤĪD

The Islamic concept of *tawḥīd* or unity of God is quite reasonable, simple and straightforward. Christians, for example, have the concept of trinity. But if you ask a Christian whether he believes in three gods, he would resent the question and reply that he believes in one God in three persons — the Father, the Son and the Holy Ghost. All three manifest the same reality. The argument that trinity in fact means unity does not carry conviction because of its own inner contradiction. On the one hand the Christians insist on the unity of God and on the other they have a creed which has words to the effect that: "I believe in God and His only son Jesus who was put on the cross by such and such a king. Then he went to Hell where he stayed for three days. He then went to Heaven where he sat on the right hand of God. He will reappear at the end of time on earth for the accountability of the dead and the alive and that He shall die in flesh and shall attain life eternal."

If the belief that Jesus sat on the right hand of God is correct, then how could he sit on his own right hand? We will have to concede that God and

Jesus are two different entities. Jesus could be an honoured guest of God and sit on His right hand, but he could not be God Himself. Even though Christians have some concept of the unity of God, their formulation of the concept is so self-contradictory and confusing that it becomes unacceptable.

The Muslim concept of unity is absolutely simple and cogent and has no parallel in other religions. Zoroaster also believes in the unity of God but at the same time he talks of duality. Evil, he says, cannot be attributed to God. God does no evil, and He does not create any. The God of good is, therefore, different from the God of evil. The concept is based on the good intention of excluding the possibility of associating God with any evil. But how does one contend with the fact that evil mostly prevails over good in our worldly life. In other words, the God of good is overpowered by the God of evil. The question then arises: can we accept as our God someone who is weak and is defeated?

These difficulties and contradictions do not appear in the Muslim concept of the unity of God which emphatically states that there is no God except Allah. On the one hand, there is complete negation, and on the other, the affirmation is limited only to one God called Allah. This clarity is not to be found in any other religion. The Jews only state that there is one God but they do not sufficiently emphasise that no other God deserves to be worshipped by man.

The second article of belief in Islam relates to angels. Followers of the most of the religions — Zoroastrians, Jews, Christians and Muslims — believe in the existence of angels. We need not discuss this question here at any length.

The third article of belief is related to revealed books. Muslims believe not only in the Qur'ān but in all books revealed by God to His Prophets. This is a large-hearted and liberal recognition of other religions together with an affirmation of the fact that Islam is a universal religion which was valid when the world began and will remain so till the end of time. The belief of the Muslims in the revealed books means that they recognise all the scriptures from Adam to Muḥammad as their own. The Old Testament, for example, is not only the scripture of the Jews but it is also that of Muslims. The New Testament does not belong to Christians only but it also belongs to Muslims.

Usually the followers of most religions dub others as heretics and claim a monopoly of truth. As a Muslim, I will also say that my religion is true. But at the same time I declare that other religions are also divine and true. All the revealed books deserve to be treated with utmost respect and reverence. I do not act on all the books but only on the last one — the Qur'ān — on the principle that the latest order supersedes and abrogate the earlier ones. The element of tolerance, large-heartedness, and accommodation underlines the belief that God has revealed his message to all Prophets (peace be upon them) and, therefore, all the revealed books deserve to be treated with reverence and respect.

The Prophet (peace be upon him) is stated to have said that a total of one hundred and twenty-four thousand Prophets were sent by God since Adam, but books were revealed only to three hundred and forty-five of them. The rest acted on the books of their predecessors. It is obvious that various Prophets were assigned to different parts of the world at different times and their languages indeed were different. "And We have not sent any Messenger except with the language of his people" (14:4).

PROPHETHOOD AND REVELATION

It will be better if we say something about the office and objectives of prophethood because religions differ on this. Some believe that God is born in the body of man. Every word and deed of such a man whose body He enters becomes the word and deed of God. Another concept suggests that God sends His message to a chosen man. This message is conveyed to him through different means. The voice of God sometimes reaches him directly as was the case with Adam and Moses who are supposed to have spoken with God. It has also happened that the message is conveyed to man through an angel, who neither forgets nor makes a mistake in faithfully conveying a message.

The message an angel brings to man is technically called revelation. How do we define revelation? Non-Muslims and those critical of Islam dub the phenomenon of revelation to the Prophet (peace be upon him) as a physical ailment. Sprenger, a well-known German orientalist of the nineteenth century, had lived in British India. He had studied medicine and also knew Arabic. Availing himself of Arabic sources he wrote a life of the Prophet (peace be upon him). Offering his personal views on the process of receiving the revelation he wrote that it seemed to resemble an illness or disorder called epilepsy.

Contemporary accounts in Arabic sources suggest that at the time of revelation the face of the Prophet (peace be upon him) would turn red. He would sweat profusely and a state of utter silence would descend on him. Sprenger considers these as symptoms of epilepsy. He jumps to that conclusion without fully examining the available evidence. This is not an honest and scholarly approach.

We have collected the traditions which have been narrated by the Companions of the Prophet (peace be upon him) who have described the phenomenon that they witnessed at the time of revelation. A Companion states that the personality of the Prophet (peace be upon him) was completely transformed at the time of receiving revelation but he became his normal self as soon as the experience was over.

All the Companions who witnessed the event are unanimous in saying that the weight of the Prophet (peae be upon him) increased so much during the process of receiving the revelation that it was well nigh impossible to bear it. If he was riding a camel, the animal had to sit down. If for some reason it could not sit down its feet began to turn straight and rigid as if they were about to break. Another tradition relates that the Prophet (peace be upon him) was sitting in his mosque with his knee resting against the leg of Zayd ibn Thābit. In the meantime the process of revelation started. Zayd said that he felt such a heavy weight on his leg that he thought his thigh-bone would break into pieces. But for the consideration for the Prophet (peace be upon him), he related, he might have shrieked and withdrawn his leg for it was impossible for him to bear the weight. This evidence has not been taken into account by Sprenger while criticising the phenomenon.

The problem is that we have not gone through this extraordinary experience and we cannot pass a judgement based on our limited experience. Revelation is exclusive to Prophets and they too do not receive it all the time. When an epileptic gets a fit, his arms and legs move in a convulsive manner; he is restless and makes incomprehensible noises. He utters words which do not mean anything. The disease is transferred from generation to generation.

We do not come across these symptoms in the statements of Companions who saw the Prophet (peace be upon him) at the time of his receiving revelation. There is no mention of convulsions, spasms, or cramps. There is also no reference to restlessness, and kicking about of legs and arms. On the contrary, the Prophet (peace be upon him) became completely still.

Never, never at all, is the state of convulsion or spasm attributed to him in any account of an eye-witness. Besides, words that came out of his mouth during or after these states were perfectly intelligible for they were the verses of the Qur'ān which were understood by everybody.

In the light of these details, one is obliged to dismiss the theory advanced by Sprenger. The Prophet (peace be upon him) had his children. His descendants who issued from his daughter are still around in the world and there is no evidence of anyone inheriting the disease so wrongfully attributed to him.

There is a long list of traditions which state that the Prophet (peace be upon him) used to become completely quiet at the time of receiving a revelation and there is no mention of any convulsion at all at any stage. The only condition different from the normal that one saw in him was that he sweated profusely even during the winter and the colour of his face turned red, presumably because of the faster circulation of blood. Otherwise the Prophet (peace be upon him) retained full control of his faculties and resumed his normal activities after the process of revelation was over.

In the accounts of Western writers one also comes across statements suggesting that at the time of revelation the Prophet (peace be upon him) used to lie down with his face covered, as was the custom with the old soothsayers. During our research on the subject we have come across only one occasion in his life when this happened; for otherwise such a situation never arose. If he was riding a camel, for example, or if he was addressing a congregation from the pulpit, there was no occasion to lie down and cover his face.

The Prophet (peace be upon him) received revelation in such situations and resumed his normal activity when it was over. The only occasion when he lay down and covered his face was during his visit to Abū Bakr's house when 'Ā'ishah was at her father's home after being slandered by the hypocrites. Suddenly revelation started and he lay down to receive it. Abū Bakr and his wife put a small piece of cloth on his face out of sheer respect. This is the only instance of its kind.

Another instance is narrated by a Companion who was extremely eager to see the Prophet (peace be upon him) in the state of receiving revelation. At the time of the Farewell Pilgrimage such an occasion arose and 'Umar brought the Companion to witness the phenomenon he had long wished to see. The narrator of the tradition relates that the Prophet (peace be upon him) was sitting behind a curtain at the time. ‘Umar moved it a little to allow the Companion a glance of the Prophet (peace be upon him). He saw that his face had turned red and that his breathing was heavy. After a while the process of revelation was over.

There is no other tradition which refers either to his lying down or covering his face or sitting behind a curtain at the time of revelation.

But what is revelation? It is impossible for us to explain accurately for none of us has gone through this experience. We can only explain it with reference to the statements of those who have witnessed the phenomenon. We have already cited some evidence. A little more is available. Once a Companion mustered the courage to ask a direct question to the Prophet (peace be upon him): "How do you feel at the time of receiving a revelation?" The answer is interesting. The Prophet (peace be upon him) said that sometimes a bell rang in his ears and he felt he was in a state of agony. It seemed that life itself was coming to an end. At this time he would hear voices which were indelibly inscribed on his mind. At the conclusion of the experience he recalled them exactly as if he had committed them to memory and he repeated them to the people.

But sometimes he saw a person either in the form of a man who spoke to him like a human being, or in the shape of a bird, that is a man with wings who could fly, stand or stay in space. He would address the Prophet (peace be upon him) who would listen carefully to every word he uttered. These he remembered completely and reproduced them to his people in exactly the same form after the person with the message had disappeared.

The statement of the Prophet (peace be upon him) that he experienced such pain and agony as gave him a feeling that he was about to lose his life is extremely important. It is no wonder, therefore, that his weight increased so much that even a camel was unable to bear it. The Prophet (peace be upon him) himself realized that it was an extraordinary situation. This is the description of the experience of revelation and we cannot describe it in any greater detail. This is an experience which only a Prophet of God undergoes and its nature cannot be inferred from the experience of ordinary men and no medical experts can possibly understand it.

The fundamental articles of faith in Islam are belief in God, in His angels, in His Books, in His Messengers and in the Day of Resurrection. The concept of accountability is indeed important, both from the point of view of faith and human psychology. The hope of reward and the fear of punishment are concepts which prompt man to do good. They also save him from evil deeds.

We are all servants of God. It is our bounden duty to carry out His commands. No extra reward is due to a servant who does his duty for he is paid for it. But he deserves to be punished if he does not carry out the task assigned to him. In principle, therefore, the concept of Hell is necessary while that of Paradise is not. We are servants of God. He can punish us if we disobey Him. He need not reward us if we obey Him for in doing so we are merely carrying out our duty. It is out of His immense mercy that He promises us Paradise for doing our duty. In other words, there are incentives as well as deterrents — a promise, a threat, and a warning at the same time.

HELL AND HEAVEN

Now a few words about Hell and Heaven. The Hindus and Buddhists have a concept of their own. They believe that the reality of existence from beginning to end is no more than the life of a bubble. It appears for a while on the surface of a wave and suddenly disappears into the river. Their concept of transmigration is based on the theory of punishment and reward. The punishment is proportionate to the crime. If a king, for example, is guilty of minor misdeeds, he would be born a slave after death; but if he has done something more monstrous he would be reborn a cat or a dog. And if the crime is even more grave, he will become a tree, or worse still, a stone.

Minerals, vegetables, animals — they are all stages of evolution. If someone is condemned to be a stone it will take him centuries to evolve into a tree. If a tree does the right deed during its life it will earn a promotion as an animal. And the animal in turn will evolve into the lowest category of man who is untouchable — a Shudra. If the untouchable behaves himself, he could be reborn as a Vaisha, then as a Khashtari and lastly as a Brahmin. If a Brahmin follows the right code of conduct he will be absorbed in God like a bubble is absorbed in the river. But if the Brahmin goes astray he will be punished by being reborn as an animal.

This is the Hindu concept of transmigration. The Muslim concept centres around Heaven and Hell. The Qur'ān and the *Ḥadīth* state explicitly that the flesh of animals and birds will be served in Paradise where rivers of wine, milk and honey will flow. This reflects our own limited concept of ease and luxury for the human intellect cannot fully comprehend the bliss of Paradise. According to a tradition of the Prophet (peace be upon him), Paradise has things which no one has seen or heard and which the human mind is incapable of conceiving. The Qur'ān states that in Paradise man will get everything he desires and a *Ḥadīth* points out that one cannot even imagine the things that are available in Paradise. There is no contradiction between the two statements.

The belief that both good and evil emanate from God is very complicated. On the one hand, the Zoroastrians are of the view that there is a God of good and there is a God of evil. There is a logical difficulty in this postulate. If the forces of good are sometimes defeated it would mean that the God of good has suffered defeat. Why should we then continue to believe in him as a God? Islam, on the contrary, holds that both good and evil are ultimately from God. The question arises: why are we, then, punished? The problem of freedom and determinism is very complicated. Every religion has been debating it for centuries and no solution seems to be in sight. If we suggest that man is obliged to do what is pre-determined for him by God, the premise poses certain problems. If, on the contrary, it is said that man is free to do whatever he likes, this proposition presents some other difficulties. This is a dilemma. Both the positions are open to objection. This is why the Prophet (peace be upon him) has sternly forbidden indulgence in such a vain debate.

Under the circumstances we should not discuss the issue any further. But we want to offer a little clarification. If man is looked upon as a machine which mechanically discharges the task assigned to it by its maker, then the question of imposing penalties for evil deeds does not arise. But man will then be confronted with the problem that Paradise, or reward for good deeds, will also lose all justification, for all his actions are mechanical and are not determined by him.

If we take the position that whatever we do lies entirely in our power, and that we alone determine our course of action, we will be accused of suggesting that God, Who knows all, has no knowledge of what we are about to do for we alone make our decisions. This is the dilemma. In fact both the postulates belong to different levels and different spheres. Responsibility and accountability of man has an earthly dimension while the absolute power of God has a heavenly dimension. Man is, so to say, responsible for all his actions as far as the earthly dimension of the matter is concerned; but everything emanates from God as far as the heavenly concept is concerned. There is no possibility of a conflict between the two.

One more point and we are done with the fundamental articles of faith. The point is: why did man become the vicegerent of God? Was it an arbitrary act of God? Was the office imposed upon him against his will? Says the Qur'ān: "Verily, we offered the trust to the heavens and the earth and the mountains, but they refused to bear it and were afraid of it. But man bore it" (33:72). But why? Is it because he was an ignoramus, and an ambitious being who was all too anxious to grab an office in which power belonged to God and responsibility belonged to man? In fact, other creatures rejected the offer because they were afraid but man accepted it because he believed that God was not unjust and would not, therefore, punish him for what he had not done. Having accepted the office in the full knowledge that God wielded absolute power, man has no right to put limitations on the power of God and ask why he was being punished for a particular action. He can only place his trust in the immense goodness and unlimited mercy of God.

WORSHIP

And now a word about worship. The word Islam means submission or surrender to someone. When Gabriel questioned the Prophet (peace be upon him) about Islam he said that it comprised prayers, fasts, pilgrimage and *zakāh*. If we compare the Muslim prayers with those performed by the followers of other religions, we are struck with the perfection of the Islamic institution. The Jews go to a synagogue and sit there while the rabbi recites the Torah, and they disperse at the end of the recitation. There is fire-worship among Zoroastrians. Hindus worship the cow. Christians, in a way, worship the cross. All of them are rational and intelligent beings but how is it that they worship fire, or a piece of wood, or a cow? Man mastered fire in the days of Zoroaster, and learned to make use of its potential. Among the manifestations of the power of God, at that time, fire was the most powerful. It burnt everyone who went near it. The founders of the religion thought, therefore, that by worshipping fire they would pay their humble tribute to the Creator of this element. In the same way the Aryans, when they went to India, found cow to be extremely useful in their agrarian way of life and began to worship it as a manifestation of God.

The Jews recite the Torah during their worship. They consider it the word of God and it is an act of piety to recite the word of God. It is a recognition of the need to know and act according to Divine commands. There is, however, a deeper meaning. God is always present although we do not see Him. We love Him without seeing Him and we strive to reach Him. We do not know the way to Him for He alone knows it but a blind man is dependent only on sound for his guidance. The kind Beloved of a blind lover beckons him to Himself through His word and guides him on the path. This is the secret of the recitation of the Torah.

The Christians, too, have a concept of the unity of God. They recite the Bible during service but they also have Communion, an institution peculiar to the Catholic and Orthodox Churches. At the end of the worship, the priest gives a piece of bread to worshippers who eat it with a few drops of wine in the belief that it signifies absorption in the person of God. The Bible narrates that during the Last Supper, Jesus suddenly picked up a piece of bread and gave it to his disciples to eat, saying that it was his body. Then he picked up a glass of wine and gave it to his disciples, saying it was his blood. Christians believe that by eating the piece of bread in a communion they become the body of Christ, and by drinking wine they become his blood. Since Christ is considered God the eating of bread and the drinking of wine makes them part of the Divine Being. This is the symbolic significance of the ritual.

Let us now examine the form of worship in Islam. The prayer begins with *sūrah Fātiḥah*, the first *sūrah* in the Qur'ān which praises God. This is the direct praise of God in which a worshipper dispenses with symbolism and establishes direct contact with his Creator. Both direct and indirect ways of praise can be adopted but Islam opted for direct praise of an Omnipotent God in His own words. Jews look to the words of God for guidance. So do Muslims who recite the Holy Qur'ān.

The Christian concept of Communion seems materialistic. God being abstract, the Muslims adopted an abstract means of nearness to Him. This is called *tashahhud* i.e. bearing witness to an unseen God. At the end of a prayer a Muslim considers himself qualified to seek the presence of God. When a man gets an audience of a senior he salutes him. So does a Muslim for this is precisely the meaning of *al-taḥiyyah*. It is the legacy of the Ascension of the Prophet (peace be upon him). When he reached the Divine Presence the Prophet (peace be upon him) pronounced a salutation. God graciously replied: "Peace be on you O Messenger, and the mercy and blessings of God". The Prophet (peace be upon him) thought of his *ummah*, and responded: "Peace be on us and on the servants of God who are pious". He thus included us all, the humble members of his *ummah*, in the blessings which were descending from God. Muslims include the salutation in their prayer as a symbol for they do not accept the concept of absorption in God. Instead they strive to attain nearness to Him. They present themselves to God and salute Him. He answers the salutation and gives them His blessings. The Islamic prayers in fact sum up the attributes of the prayers of all other religions.

Muslims stand still to pray. This is, as it were, the way of minerals which cannot move. Animals are always in a state of genuflexion, bowing the head in humility. This is their prayer. The Muslims also do the same and bend their head in reverence during the prayer. The way of vegetation is prostration because trees have their roots deep in the earth. Muslims prostrate themselves during their prayer. In addition to combining the ways of mineral, animal and vegetative life, their prayer is characterized by some striking human features such as salutation to God (*al-taḥiyyāh*). The Muslim form of prayer is the highest and the best in that it is a combination of all forms of prayer of the entire universe.

FASTING

Now a few words about fasting. Recently an interesting book called fasting was published from Paris. It is written by Dr. Geoffery, a non-Muslim European. He argues in favour of fasting from the medical point of view. Fast is observed, he says, not only by human beings but by all creatures in nature including animals and trees. Wild animals in the region of heavy snowfall go without food for weeks and months and still survive. Snakes also hibernate there during winter. This state of abstention from food and drink results in rejuvenation and renewal of life. They shed their old skin and the new one is fresher and better and experience a new youth. Fasting gives them greater strength and vigour. Similarly trees shed their leaves during winter when they are not watered. They are in a state of fast, and this condition lasts for weeks or months. At the end of the season new leaves sprout forth, new buds and fresh flowers bloom, the trees bear fruit. In short, there is evidence of new beauty, creativity and youth.

In the light of this evidence, Dr. Geoffery argues that fasting is good for human beings. It helps give them health, renewed vigour and virility. Many a disease for which no cure has yet been discovered could be treated by fasting. At the end of the book the author suggests that it is essential to fast for seven weeks every year and during this period only once a week one should refrain from fasting. Thus one should fast for forty-two days (6 x 7). This medical advice is presumably influenced by Christian religious beliefs and commandments.

The Bible relates that before prophethood Jesus repaired to a desert and fasted continuously for forty days. The early Christians emulated his example and began to fast but the reaction was not uniform everywhere. Before 439 CE the Christians of Rome fasted only for three weeks. Those in Alexandria fasted for seven weeks. All Saturdays and Sundays were holidays except for a "holy Saturday". Thus they fasted for thirty-six days a year. They thought that the figure represented the tenth part of a year. The tenth part of food, like other produce, was thus spent on charity. The fast lasted from dawn to three o' clock in the afternoon and was obligatory on persons who had attained the age of twenty-one years.

There is a *ḥadīth* in the *Sunan* of Ibn Mājah that *zakāh* is levied on everything and fasting is the *zakāh* of the body. Another tradition states that whosoever fasts for the whole month of Ramaḍān and six days of Shawwāl would be considered as having fasted for a whole year. This is in fact based on a verse of the Qur'ān (6:160) which says that a pious act would be rewarded ten-fold. The calculation is correct. For fasting for a month and a week, therefore, the reward would be equal to fasting for a whole year. Another way to calculate would be that the month of Ramaḍān is sometimes of twenty-nine and sometime of thirty days, and adding to it a week of Shawwal fasts, the total of our yearly fasts would vary between thirty-five and thirty-six. Multiply the figure by ten and we have 350 or 360, the average being 355 which constitutes a lunar year.

Hindus also have the institution of fasting but the number of fasts and their duration is not determined. People fast on the birth anniversaries of religious leaders as well as on the occasion of eclipse of the moon and the sun. They break the fast around three o' clock in the afternoon. The religious leaders of Red Indians in Mexico fast every other day. There is a tradition that David did the same. In the olden days some countries made fasting obligatory in spring in the belief that it would discourage adultery among unmarried people. It is also suggested in a *ḥadīth* that a bachelor should fast to preserve his chastity.

ḤAJJ

A visit to the grave of a sage, saint or the founder of a religion constitutes a pilgrimage in most nations. A visit to an extraordinary phenomenon of nature is also included in this category. Hindus go to the source of the river Ganges, for example, and consider it an act of great piety. A visit to the confluence of the Ganges and Jamna in Allahabad (India) is another example of a similar nature. Even though Christians say that Jesus has gone to Heavens they still consider it an act of piety to visit his empty grave. The common Christians who cannot afford to go to the Holy Land visit the tomb of St. Peter in the Vatican city in Italy. Even communists who are atheists and detest religion go to the tomb of Karl Marx in London. All these pilgrimages are associated either with a natural phenomenon or the grave of some venerated person.

The Muslim pilgrimage is distinctly different. It involves a visit to the House of God. The Ka‘bah is symbolically called by this name. The implications of the symbol may be of some interest to those who have not given much thought to this aspect. Though all the beautiful names belong to God, there are ninety-nine which are specially attributed to Him. There are some in the Qur’ān which manifest his attributes e.g. Sustainer, Creator, etc. Of all the names the one which in my opinion is most representative of the relation between God and man is Malik i.e. King.

When a name is selected for some purpose, one will have to accept the essentials associated with it in the human society. A king has certain attributes e.g. a throne. The Qur’ān mentions heaven as His Throne. The word *‘Arsh* in Arabic means a throne. A king has an army. "And Allah’s are the hosts of the heavens and the earth" (48:4). A king has treasures. "And Allah’s are the treasures of the heavens and the earth" (63:7). A king has a kingdom. "And Allah’s is the kingdom of the heavens and the earth" (3:188).

When the dominion is large, the king proposes a capital. In English the word for such a city is metropolis. This is a Greek word which means the "mother of cities". The Qur’ānic expression *Umm al-Qurā* (6:92) carries the same meaning. The city of Makkah is known by this name. It is, as it were, the capital of the Kingdom of God. If there is a metropolis there would be a palace as well. The Ka‘bah which is the Holy House (5:97) is the Palace of the King. If a country has a king, his subjects always go to the metropolis to take an oath of allegiance at his hands to assure him of their loyalty.

When Muslims go to Makkah for a pilgrimage they assemble in front of the Ka‘bah and place their hand on the Black Stone and kiss it also. If they cannot reach it they point towards it with their hands and then kiss them. This marks the beginning of the circumbulation of the Ka‘bah. Our jurists give it two names i.e. *istilām* or *bay‘ah*. The word *bay‘ah* means to sell one's own person. In this case it would mean to sell oneself to God with the pledge to fully surrender to Him. We enter into a covenant with God and promise to fulfil it. The usual Arab way to give a pledge was that one person placed his hand over the hand of the other. We place ours on the Hand of God. Do not be scared by this expression. There is a *ḥadīth* narrated by a large number of transmitters from five Companions. "The Black Stone is the right hand of God on earth." We take an oath on the right hand of God and pledge our allegiance. When we assure our Sovereign of our sincere loyalty the highest honour He can confer on us is to appoint us as a guard in His house.

When we circle around the Ka‘bah we guard His House. Instead of doing this duty all our life, twenty-four hours a day, seven circumbulations are considered sufficient. The figure seven is symbolic. Time has neither beginning nor end. When we limit it, with a view to measure it, we use the figure seven. There are seven days in a week. The same seven days go on repeating themselves. There are many other sevens e.g. the seven heavens, etc. The word seven is symbolically used to denote the unlimited. If we go round the Ka‘bah seven times it would be synonymous with the performance of our duty eternally. It is a great honour to guard the royal palace. The honour is conferred only on loyal and well trusted soldiers on whom depends the safety of the king's life and property.

This description is relevant only to one part of the pilgrimage i.e. the *ziyārah* and the *ṭawāf* (audience and circumbulation). There are other ceremonies as well. One is to run between the mounts of Ṣafā and Marwah, and the journey to ‘Arafāt and the visit to Minā. What is the symbolism of these ceremonies? The running between Ṣafā and Marwah symbolizes the story of Abraham. At God's command he left his infant son Ismā‘īl and his wife Hagar alone in a desolate desert. All that he left behind was a little food and a skinfull of water. When the provisions finished after a few days the infant started crying because of thirst and hunger. The mother set out in search of water but did not find any sign of it. There was a mound nearby. She thought she might be able to survey better from a high place. The mount of Ṣafā still survives as a small mound. She climbed on top of it and surveyed the scene. No water was to be seen anywhere. She saw another mound which is called Marwah and she ran towards it to search water. Again these was not sign of it there either. The mother was an incorrigible optimist. She came back to see the child and returned to Ṣafā and Marwah to continue the search. She did this seven times — the symbolic figure for eternity. On returning to the child she discovered that a spring had sprouted forth from the place where Ismā‘īl was kicking his heels because of thirst. The running between Ṣafā and Marwah has been included in the ceremonies of the pilgrimage because the event marks the memory of motherly love. And this symbolizes the unlimited love that the Creator has for His creatures.

After performing these rites the pilgrims proceed to ‘Arafāt. This is the place where, according to tradition, Adam and Eve met each other after a long separation which started with their expulsion from Heaven. God forgave Adam his trespass. ‘Arafāt, then, is the most important memorial for mankind of their great ancestor. Like Adam we too seek forgiveness of God.

From ‘Arafāt the pilgrims proceed to Minā. The tradition associated with Minā is that it was here that Abraham carried out God’s command to sacrifice his son Ismā‘īl. He set out from Makkah with his young son Ismā‘īl to offer the supreme sacrifice. When Satan saw him so steadfast in his resolve he appeared in the guise of man to waylay Abraham. He tried to cast doubts in his mind by suggesting that Satan might have appeared in the dream he saw. Abraham, owing to his prophetic insight, immediately recognised Satan. He picked up a few pebbles and threw them at him. Satan disappeared only to reappear in another form at some distance. This time he implored Hagar to prevent her husband from sacrificing her only son. This was a greater trial, more difficult than the first. But Hagar too recognised Satan and threw pebbles at him. He was obliged to retreat. He then appeared before the young Ismā‘īl and painted a picture of the horror and pain which would be his lot in case he was sacrificed by his father. Satan exhorted Ismā‘īl to refuse. But the young boy had the insight of a Prophet and declined to be caught in the snare. He too picked up some pebbles and cast them at Satan. The rest is well-known. Abraham made Ismā‘īl lie down on the ground face downwards, blindfolded himself with a bandage, and proceeded to wield his knife on the neck of his son without wavering for a moment. On removing the bandage from his eyes Abraham saw the son stand up to greet him with a smile. A sheep had been scarified instead.

God had wanted to test Abraham who had claimed that he would sacrifice everything for His sake. He had to go through the most difficult trial. He was asked to sacrifice his first son, born to him when he was about a hundred years old. His submission and loyalty were complete and unqualified. He emerged with flying colours even from such a trial. It is to commemorate his rejection of the temptation of Satan that we throw stones at the "Satan" in Minā and offer the sacrifice of an animal. This is part of the rites of the pilgrimage. The three places at which stones are hurled at the "Satan" signify our resistance to the doubts and misgivings that Satan seeks to create in our minds in order to prevent us from carrying out God's commands.

Another institution of Divine worship in *zakāh*, which purifies property. Islam is a synthesis of spiritual and material values. It seeks good both in this world and the hereafter. *Zakāh*, therefore, carries an aspect of spiritual betterment through material contribution to social welfare.

TAṢAWWUF

In the end, we should like to briefly touch on *taṣawwuf*. In a tradition of the Prophet (peace be upon him) which we cited earlier, Gabriel first asked the Prophet (peace be upon him) about *īmān* or faith, then he asked him about Islam and his last question related to *iḥsān*. The word literally means to lend beauty to an object; to beautify or to carry out a task in a beautiful way. Used as a technical term in the religious context it would mean true acceptance of God's command and worshipping Him with utter sincerity.

Sincerity in the performance of religious acts is called *sulūk* or *ṭarīqah*. Both words literally mean to tread on a path and signify the Path of God. Later the word *taṣawwuf* came to be used to convey the same sense. Many explanations have been given for the choice of this expression but this is not the time to delve in these details. It is necessary, however, to recall the Prophet's own definition of *iḥsān*. When Gabriel asked the Prophet (peace be upon him) what *iḥsān* was, his reply had a miraculous aspect, both in its brevity and profundity. The Prophet (peace be upon him) said: "Worship God in a manner which would indicate that He is present before you and is watching every act of yours. For even if you do not see Him, He sees you." In other words, the concept of the presence of God should make us aware of Him for we should know that our inner feelings and outer actions are being watched by God. If we develop this concept in our conscious life it would become impossible for us to disobey or evade His commands. If the Master is there to supervise no servant would ever dare disobey his orders. This is the essence of *taṣawwuf*; or mysticism, as it is called in the West. The rest is were appendage.

We can adopt different ways and means to develop our spiritual powers and reform our self e.g. superogatory fasts, remembering God, and offering superogatory prayers. Traditions describe the Prophet (peace be upon him) teaching various means of superogatory worship to different Companions. The reason was the varying capacity of different people.

Incidentally, some Arab scholars consider the rosary an innovation for it did not exist in the days of the Prophet (peace be upon him). A student who was educated in France and is now employed in Saudi Arabia, once asked me whether rosary was permissible. I had not researched in this subject but an event during the life of the Prophet (peace be upon him) came to my mind. Abū Hurayrah is on record as having stated that the Prophet (peace be upon him) commended a certain prayer to him and asked him to repeat it two thousand times every day before going to bed. He was an intelligent man. He took hold of a string and put two thousand knots in it. This he used as a rosary. It is immaterial whether it has beads or knots; the object is the same. I wrote about this to the student in question and I think he was satisfied with the answer. I have since come across another tradition in the *Ṣaḥīḥ* of Bukhārī. Once the Prophet (peace be upon him) passed by a woman who had a heap of small stones in front of her. She would pick up one, repeat a prayer and then put it by her side. She kept repeating this process. This heap of stone was a primitive version of a rosary. But the purpose remains the same viz. that we should remember the exact number of our prayers.

Among devotional duties that the Prophet (peace be upon him) emphasised were non-obligatory fasts, prayers, and supplications for different occasions. Every Companion adopted different ways in accordance with his own capacity. This was the factual position of *sulūk* and *taṣawwuf* during the days of the Prophet (peace be upon him). Later other concepts came to be introduced in this field. Debates ensued on subtle matters such as unity of existence. But these discussions have nothing to do with the Prophet (peace be upon him). Islamic *taṣawwuf* was eloquently summed up by the Prophet (peace be upon him) when he said: "Worship Allah as if He were present before you and was watching every act of yours. For even if you do not see Him, He sees you."

QUESTIONS AND ANSWERS

Question

Kindly explain the meaning of destiny, determination, etc., from the Islamic point of view. If a man is drowned it is said that such a death was destined for him. If a Muslim kills another, it is said that such an end was already determined for the deceased. Is it not the destiny of a killer that he would kill? If this is so, why would he be punished in the Hereafter? God says that not even a leave stirs without His will. You said that good and evil are automatic. But man has to exert and make sacrifices for the sake of good while he derives pleasure from evil. One should be rewarded for taking the trouble to do good and should be punished for indulgence in unlawful pleasure.

Answer

I am not sure if my lecture has been listened to carefully and my views on the subject been properly understood. I have, in any case, expressed myself in some detail elsewhere. In my opinion, the problem of good and evil and freewill and determination is a kind of dilemma. Any solution, no matter what is might be, would be subject to criticism. That is why the Prophet (peace be upon him) stated that at one and the same time we are responsible to God for all our acts and God has power over all things including the determination of our actions. Both these are equally true. Let me reiterate our viewpoint. We ask why we are punished for doing evil acts which are determined by God. The same applies to good. We may also ask why we are rewarded for doing good acts which are also determined by God. It is in this context that we had said what you have mentioned.

Question

If Darwin's theory of evolution is correct from the scientific point of view there is conflict between science and Islam. Kindly elucidate.

Answer

It has been presumed that Darwin's theory has been rejected by Islam. It appears to create complications for us because we presume that Darwin was an atheist, although he believed in God. When he completed his medical education and entered his family profession, Darwin went through a metamorphosis. Being sick of the world he became interested in God. He studied Christianity in the Faculty of Religion at the University of Cambridge. Comparative Religion was one of the subjects taught in the University. Darwin also learned Arabic in order to understand Islam. In the collection of his letters which have been published, a number of them are addressed to his Arabic teacher. They are couched in extremely reverent and respectful language.

Among the text books prescribed for Arabic studies at the time were selections either from the *Epistles* of Ikhwān al-Ṣafā' or *al-Fawz al-Aṣghar* of Ibn Maskawayh. Both the books mention the theory of evolution. Nobody ever criticised their Muslim authors on this account nor were they dubbed as unbelievers. The books in question belong to the third or fourth century of the *Hijrah.*

These books state that God first created matter and invested it with energy for development. Matter, therefore, adopted the form of vapours which assumed the shape of water in due time. The next stage of development was mineral life. Different kinds of stones developed in course of time. Their highest form being *mirjān* (coral). It is a stone which has in it branches like those of a tree. After mineral life evolves vegetation. The evolution of vegetation culminates with a tree which bears the qualities of an animal. This is the date-palm. It has male and female genders. It does not wither if all its branches are chopped but it dies when the head is cut off. The date-palm is therefore considered the highest among the trees and resembles the lowest among animals. Then is born the lowest animal. It evolves into an ape. This is not the statement of Darwin. This is what Ibn Maskwayh states and this is precisely what is written in the *Epistles* of Ikhwān al-Ṣafā'. The Muslim thinkers state that ape then evolved into a lower kind of a barbarian man. He then became a superior human being. Man becomes a saint, a Prophet. He evolves into a higher stage and becomes an angel. The one higher to angels is indeed none but God. Everything begins from Him and everything returns to Him.

When all this has been stated by Muslim thinkers and no Muslim scholar ever took them to task for making such statements, one should pause and ponder over these facts. In the Qur'ān it is stated that God made man out of clay. Our concept of the creation of man is that God, like a potter, moulded clay into shape and breathed His spirit into it and Adam was thus created. Possibly this was the process but what does one do with verses 18:37, 22:5, 35:11, 40:67 which state time and again that God created man from clay and sperm? It is obvious that clay does not create sperm, it comes from an animal and a human being. It means that the mention of all intermediary stages of evolution has been omitted and attention is drawn to the original source which is clay. The last cause is the sperm of man which stays in the womb of a woman.

Take yet another verse of the Qur`ān (71:14): "He created you in stages". The word *ṭawr* is the basis of *taṭawwur* which means evolution. This can also mean that God created man as a mineral in the first instance. Minerals developed into vegetation which developed into animal life. There is no contradiction. (For further reading on the subject see *al-Maṣādir al-Islāmiyyah li Dārwīn fi Naẓariyyatihi 'an Aṣl al-Anwā'*, in *al-Dirāṣat al-Islāmiyyah*, 1981). If your University library you will find a tract in Arabic which contains all these details. The views of Muslim scholars and sufis have been collected in this work.

Question

Does Islam treats matter and spirit in equal measure or is spirit more important than matter? Can the existence of spirit be proved through rational arguments?

Answer

As man consists of body and spirit we need to take notice of both. We eat, drink, rest and sleep for the sake of the body. We need to do something for the spirit as well in order to maintain a balance. The Qur'ān and the Prophet (peace be upon him), therefore, commanded us to pray, fast, give charity and perform pilgrimage. Both aspects — the body and the soul — have been taken care of. I do not know the proportion between the two. All that I know is that in twenty-four hours we are asked to spend at least twenty-four minutes on five prayers for the sake of our spirit. The rest of the time is at our disposal. We can do whatever we like to do with it. We can concentrate on the body or the spirit or both. This is our personal choice. No rules have been laid down by the *Sharī'ah*. Only five daily prayers have been prescribed and the rest is for ourselves to decide.

Question

You stated that the Hindus do not have the concept of Heaven and Hell. What do they then mean by *Swarg* and *Nark*? They believe in an eternal soul. No new soul is born instead the old one goes on changing its forms. That is why this process is called the transmigration of soul. Kindly throw some light on the Islamic concept of soul.

Answer

When the Prophet (peace be upon him) was asked a question about the soul he could not answer it and waited for the revelation: "And they ask thee concerning the soul. Say: "The soul is by the command of my Lord" (17:85). I cannot add a word to it.

As regards the Hindu concept of *Swarg* and *Nark* we are aware neither of its nature nor of its details. The Hindus have a concept of unity as well as something contrary to it. Their concept of *Swarg* and *Nark* has a peculiar meaning which has no relationship with the Muslim concept of Heaven and Hell. They are not aware of a Heaven with houris, and rivers of wine, honey and milk. Nor are they aware of the kind of other-worldly punishment in which the Muslims believe.

The fact is that the true state of things in Heaven and Hell are precisely known neither to Muslims, nor to the adherents of other religions. The things of the other world, as the Prophet (peace be upon him) said, are impossible to conceive for we have neither heard nor seen them nor is our mind able to have a concept corresponding to the reality of the Hereafter.

Question

In the following verse from the Qur`ān the places of worship of Jews and Christians are mentioned along with mosques. Does God approve the worship of non-Muslims equally with that of Muslims? "And if Allah did not repel some men by means of others, there would surely have been pulled down cloisters and churches and synagogues and mosques, wherein the name of Allah is oft commemorated" (22:40).

Answer

A grammatical question arises whether "wherein the name of Allah is oft commemorated" concerns the last word (mosque) or the entire preceding statement. I can not answer this. As for the rest of the question I would submit as follows.

The law of Moses operated until such time as Jesus appeared. The correct worship was, therefore, to abide by the law of Moses. With the coming of Christ his law came into operation e.g. prayers in churches became the vogue. With the coming of Muḥammad (peace be upon him) neither the law of Moses nor Jesus remained valid. He ordered prayers in the mosque.

There is no contradiction in this practice. God ordains acceptance of the new law. Some accepted the new law and others did not and controversies, even battles, ensued. God says that if He did not repel some men by means of others, the places of worship would have been destroyed. This is a perfectly simple statement. Suppose the Jews attack the Muslims. If the Muslims do not defend themselves it is obvious that their mosques would be destroyed. Suppose also that for some reason the Muslims attack the Jews. If they do not defend themselves perhaps their places of worship would also be pulled down. God ordains defence of one nation from an attack by another. By this means the safety of mankind is assured.

In other words, Destiny operates in this sphere as it does in others. The same Destiny permits man to defend his faith. Muslims are, therefore, permitted to defend themselves if they are attacked. They can kill the enemy, take him prisoner in war in which booty is also permissible. This war will not be waged for personal gain but in accordance with to the Qur'ānic verse: "And fight in the cause of Allah those who fight against you, but do not transgress. Surely, Allah loves not the transgressors" (2:190).

Muslims have been warned that they may not transgress merely because their religion has been perfected. They may fight only those who attack them and even when they are defending themselves they may not indulge in acts of transgression.

⁂

PART TWO

THE AGE OF THE PROPHET

SEVEN

STATE AND ADMINISTRATION

The characteristic attitude of Islam towards worldly life and the Hereafter is stated in the Qur'ān (2:201): "Our Lord, grant us good in this world as well as good in the world to come." Islam seeks good in both the worlds — here and Hereafter. On the one hand it deals with spiritual institutions like prayers, fasts and pilgrimage, and on the other it makes *zakāh*, a purely financial institution, a fundamental article of faith.

Here I propose to describe the circumstances which forced the Prophet (peace be upon him) to found a state. I have deliberately used the expression "forced the Prophet" (peace be upon him) because a Prophet essentially neither seeks the world nor worldly power. And yet, as we know, the Prophet of Islam (peace be upon him) founded a state and functioned as its head. The system of administration he established lasted for centuries and remains a source of inspiration for mankind. Before we deal with the circumstances which led to the founding of the state, we shall briefly refer to the conditions obtaining in the Arabian peninsula before the time of the Prophet (peace be upon him).

STATE IN ANCIENT ARABIA

Arab civilization is older than the most ancient civilizations of Europe. The state of Yemen had existed in South Arabia long before Athens and Rome came into being. Its system of administration was fairly well developed. The ancient inscriptions discovered from the archaeological remains of Yemen throw a flood of light on the achievements of the early Arabs. One is simply surprised at the way they built the famous Dam of Ma'ārib in a desolate desert. The Qur'ān refers to the bursting of the dam, and mentions the "fierce flood" (34:16) as a result of which people were obliged to move elsewhere. The ruins of the dam are an evidence of its grandeur and indicate the measure of the greatness the Arabs had achieved long before Athens. Queen Sheba, a contemporary of Solomon, was the ruler of Yemen. Different rulers governed the country for a long time after her. The fertile land of Yemen attracted invaders from Europe, Asia and Africa. Greeks were among those who attacked Yemen. Their inscriptions are still found in different places.

A Christian king of Abyssinia drove out the local rulers and conquered Yemen. He built an impressive church in Ṣan‘ā’, the capital. He prevented his subjects from going for pilgrimage to Makkah, a city in a desolate desert. He made up his mind to demolish the Ka‘bah, and set out with an army for this purpose. The Qur’ān refers to this event in *sūrah* 105.

The Prophet (peace be upon him) was born in the year when this attack on Makkah took place. It seems that the people of Yemen did not approve of it. They organized a nationalist movement to overthrow the Abyssinian rulers. One of their leaders approached the King of Persia for help. The words in which he couched his appeal are interesting."Crows", he said, "have conquered our country." "Which crows"? asked the Persian emperor, "Indian or African"? He had always thought of conquering Yemen and here was an opportunity he had sought for so long. The Persian emperor helped with an army which defeated the Abyssinians. The Persians set up a government under a local ruler. ‘Abd al-Muṭṭalib went to Yemen as a representative of Makkah to offer greetings to the new king — an indication that relations between Makkah and Yemen were close and cordial.

The Persians soon got rid of the local ruler of Yemen and set up a kingdom of their own. During the last phase of the Prophet’s life when Islam was being propagated in Yemen, the Persian kingdom was on the decline. The people of Yemen had revolted against it and the Persian governor accepted Islam in an effort to save himself and his Persian compatriots in Yemen, a complicated situation which developed into an international issue.

PRE-ISLAMIC MAKKAH

In brief, Yemen was one of the oldest of the many states of Arabia. How about Makkah, the birth place of the Prophet (peace be upon him)? Did a state exist there? If so, what was its nature? Makkah was founded by Abraham. It was not populated when Abraham was commanded by God to take his wife Hagar along with her infant son from Palestine to the desolate desert and leave them there. We know how the spring of Zamzam gushed forth where the infant son rubbed his heels for he was extremely thirty. A caravan passed by and saw signs of water. It settled down there. The news of abundant water spread and people began to settle down around it. Gradually the population grew. Ismā‘īl lived there with his mother. After some time he got married in a local Arab tribe and the population of Makkah continued to grow.

Here we must recapitulate the story of the reconstruction of the Ka'bah. According to tradition Adam felt that something important was missing in his life on this earth. In Heaven he had seen angels circumambulating the House of God but on earth there was no place of worship. He prayed to God for one. God assigned angels to help Adam construct a house for divine worship. Angels selected a place exactly below the celestial House of God and began to construct the Ka'bah there. A *ḥadīth* states symbolically that a stone thrown from the Celestial House would fall directly on the roof of the Ka'bah.

The Ka'bah erected by Adam on earth survived until the deluge in the days of Noah. It disappeared after the deluge. There are no signs of its reconstruction during the age of Noah. The most significant prophet after Noah is Abraham. He was commanded to reconstruct the Ka'bah. But he did not know the original place where it first stood. He was asked to follow a cloud over his head and pause where it stopped. He followed the instructions. He drew lines where the cloud stopped and that was the design of the Ka'bah. On digging a little he discovered the old foundations. He started building on those foundations. He was assisted by his young son Ismā'īl. When the walls reached their own height they needed something to stand on. They stood on a stone and continued the work of construction. This stone is still known as the "Station of Abraham". Once it was exactly in front of the wall of the Ka'bah, where Abraham stood up to raise the building. Muslim historians relate that a flood swept away the stone which was recovered with great difficulty. Instead of being restored to the old place it was kept inside the Ka'bah. After some time it was taken out and transferred to another place. The latest position is that during the Saudi regime it has been placed in a case of crystal in front of the Ka'bah.

Abraham completed the construction and called the Ka'bah the House of God. The Biblical narration about Abraham states that he built *Bait-El* in different places in Palestine after emigrating from Iraq. *Bait* is the same word as is used in Arabic for a house. And *El* means Allah. *Bait-El*, therefore, means the House of Allah. According to the Bible, Abraham made many Houses of God in Palestine and taught the local people how to worship the one God, their Creator and Sustainer.

It is not surprising, therefore, that he made a similar house when he went to Arabia. The Qur'ān states (3:96) that the Ka'bah is the oldest House of God on earth. If we understand the statement to mean that it is the oldest surviving house of worship, it might be accepted by all; but if we take it in the sense that it was the first house, it would perhaps be criticised on the ground that there were other prophets before Abraham. It is known that during the days of Noah and Idrīs (Enoch), God was worshipped and there must have been places of worship.

However, if Adam, not Abraham, is recognised as the founder of the Ka'bah, the statement would be unexceptionable. Jews and Christians accept that Abraham made Houses of God in other places. They cannot, therefore, raise an objection against his building one in Hijaz. In any case, the *Ḥajj* or pilgrimage of the House of God in Makkah as prescribed by Abraham continued for a long time after him. Its first custodian was Ismā'īl and his descendants performed the task. War broke out later and alien nations came to conquer Makkah. This is a long story which need not be pursued here.

THE MAKKAN CITY-STATE

By the time of the birth of the Prophet (peace be upon him) we find that Makkah had a few characteristics of its own. Not only was it a prosperous centre of trade but it had an administration and a government of its own with twelve ministers. So far as trade is concerned, it had developed generations before the Prophet (peace be upon him). The Qur'ān alludes to it in *sūrah Quraysh*(106) where the people of Makkah are reminded of the prosperity that came from their journeys in winter and summer and from the security that God provided them against fear.

Makkah was an important place from the geographical point of view. The Arabs of the North and the South had to pass through it in their trade journeys. Europe, it is believed, carried out its trade with India through Makkah. It was necessary for commercial caravans to arrange for shelter, food and drink. The well of Zamzam in Makkah could not be ignored. All caravans passed through the city. In order further to strengthen the strategic and commercial position of Makkah, an ancestor of the Prophet (peace be upon him), 'Abd Manāf ibn Quṣayy, once sent a son each to the Caesar, Chosoroes, Negus and the ruler of Yemen, to negotiate a treaty of trade with these countries. He was successful in his mission.

The Makkans, apprehending attacks on caravans by bedouin tribes, made arrangements for the security of both the Ka'bah and the commercial goods. Negotiations were conducted with all the leaders of the tribes settled along the caravan routes and they were assured of a share in the profit. They agreed to desist from attacks. The Makkan leaders offered to purchase goods such as sheep, goats, leather, and olive oil from the tribes and offered an inducement that they would perform the service of selling their goods and would give them the profit into the bargain. Owing to these treaties and security arrangements Makkah became the greatest and the most affluent centre of trade and commerce in Arabia.

Some idea of the prosperity of Makkans can be had from the fact that in an ambush on pagan caravans, the Muslims of Madinah came away with a booty worth a hundred thousand *dirhams* in the early phase of Islam. The sum would be worth billions in modern terms. And this was the capital sum of only one caravan. Since the Quraysh controlled the routes on account of their treaties of friendship with the tribes *en route*, they benefited a great deal from this arrangement. A member of the Quraysh tribe would accompany a caravan, charging a handsome amount. His presence would ensure safety and security from attack by the tribes who were allied with them. This arrangement was called *khiqārah or badraqah.*

ADMINISTRATION OF MAKKAH

So far as political administration was concerned, Makkah was a city-state with an area of approximately 130 square kilometres. Instead of kingship it had a collective government. A cabinet of ministers was responsible for administration. There were separate ministers for civil and criminal affairs. This was also the case with the administration of the Ka'bah. There was a minister each for opening and closing the Ka'bah. There was a minister for divination. He was responsible for finding out, by throwing an arrow, whether a certain task should be undertaken. The pilgrims who came to the Ka'bah offered gifts. A minister took care of them. Another minister was responsible for collecting taxes. Every citizen paid an annual tax. One of its objects was to help the destitute pilgrims. A tax was levied for hospitality and reception of pilgrims who came from various places to Makkah. Besides these there were also other ministers.

There was also an institution similar to the modern parliament. It was called *Dār al-Nadwah.* All senior citizens were consulted whenever the city was confronted with a serious problem such as danger of an external attack.

Anyone who attained the age of forty years automatically became a member of the consultative council. An exception was made in two cases in which a person was made a member before reaching the age of forty. One of them was Abū Jahl who was known for his wisdom and sagacity. He was given this honour in his youth. One more person is also mentioned as the recipient of this honour.

One of the most interesting portfolios was that of Minister of Foreign Affairs. He conducted negotiations with other tribes and dealt with inter-tribal disputes. When the Makkans, during the course of negotiations, decided to reject the enemy's demands, he made the declaration of war. Settlement of disputes through negotiations and conciliation was his charge. There was a minister who dealt with the hostile criticism directed at the Quraysh and issued derogatory statements against the offending tribes by arranging for a fulsome praise of the qualities of the Quraysh. All these ministers were alive until the age of the Prophet (peace be upon him). Most of them were eminent men. Abū Bakr was the minister for civil affairs, while 'Umar held the portfolio of foreign affairs.

The army had two standards — one was called *liwā'* and the other *rāyah*. One remained with Muṣa'b ibn 'Umayr while the other was held by Abū Sufyān. They were well-known personalities before the advent of Islam and held high office in the administration of Makkah. The members of the collective government of the city belonged to the same tribe and inherited their office from generation to generation and each office was perpetually held by a prominent member of a given tribe.

The Prophet (peace be upon him) was born in Makkah in 569 CE. He was an ordinary citizen. A member of his family, the Banū Hāshim, was always included in the cabinet. The portfolio that the members of this family held was concerned with the administration of the well of Zamzam. The well which had disappeared for a long time was rediscovered by 'Abd al-Muṭṭalib. A new ministry was created for him perhaps on this score and he remained responsible for its administration. His son Abū Ṭālib succeeded him. He was a generous man but his financial condition was not sound. He was often obliged to borrow money. Once he borrowed a certain amount from his brother 'Abbās and promised to return it after a year. On his failure to fulfil the promise 'Abbās offered to extend the period on condition that the supervision of Zamzam was transferred to him. This is how he came to acquire the portfolio from Abū Ṭālib. He held that portfolio at the time when the Prophet (peace be upon him) conquered Makkah. The Prophet (peace be upon him) confirmed him in the portfolio.

What was the share of Muslims in the administration of Makkah at the dawn of Islam? Muslims belonged to different tribes and their number grew gradually. They made a state within a state. They did not refer their cases to the pagans of Makkah who were responsible for the administration of the judiciary. They also did not expect any help from their Makkan compatriots in connection with their protection. In all such matters they referred to the Prophet (peace be upon him) who was their law-giver, their judge, their commander-in-chief, and indeed their sovereign. Not before long the Muslims had to bid farewell to Makkah. After the migration of the Prophet (peace be upon him) to Madinah most of them followed suit.

MUSLIMS IN MADINAH

In Madinah, unlike Makkah, there were no signs of a state of any kind before Islam. There were many related tribes who were constantly in a state of civil war. The last bloody war they fought was only five years before the arrival of the Prophet (peace be upon him) in the city. It had far-reaching consequences and had its effects even on the emerging society of Islam.

Before the migration to Madinah some of its residents had embraced Islam. They belonged both to the tribe of Aws and Khazraj who were traditionally at war with each other. The Muslims of Aws would not pray behind a co-religionist if he belonged to the Khazraj and *vice versa*. The problem was resolved by depatching an *imām* from Makkah who was acceptable to both. There was another incident of this nature which is more unfortunate. It relates to the chief Asad bin Zurārah who was an extremely good Muslim and was very enthusiastic for the cause of Islam. He belonged to the tribe of Khazraj. When the Prophet (peace be upon him) reached Qubā after his migration from Makkah, many people from Madinah who had seen him or had embraced Islam went there to welcome him but Asad was conspicuous by his absence. When the Prophet (peace be upon him) enquired about him the people of Qubā, who belonged to the tribe of Aws, stated apologetically that he had killed some of their leaders in the battle of Bu'āth and could not, therefore, enter their territory.

This state of affairs gives some indication of the problems the Prophet (peace be upon him) had to contend with in setting up an administration for Madinah. Late at night, however, a man in disguise came to see the Prophet (peace be upon him). It was none else than Asad ibn Zurārah. He risked his life in order to see his leader. The Prophet (peace be upon him) proposed that the Aws should make a proper declaration of amnesty for him but they hesitated for a while. They made it clear that they were not willing to forgive him on their own accord but would carry out the order if the Prophet (peace be upon him) so desired. A leader of the Aws tribe, however, went to the house of Asad bin Zurārah and brought him, holding his hand, to the Prophet (peace be upon him). The members of the tribe saw that their leader had given him protection. This led to establishment of peace.

SETTING UP A STATE IN MADINAH

The moment he was free from preliminary work the Prophet (peace be upon him) proposed the setting up of a state in Madinah, even if it be a small one. But from the very start he was faced with many difficulties. The people of Madinah were well aware of the consequences of the battle of Bu'āth and were mentally prepared to end the state of war. But they did not know exactly how to proceed about it. The new ruler had, therefore, to be someone who was equally acceptable to the warring tribes of Aws and Khazraj.

Before the Migration they had thought that 'Abd Allāh ibn Ubayy ibn Salūl, a wealthy and influential leader of the Khazraj, could be one such person. Preparations were under way to offer him a crown when the Prophet (peace be upon him) arrived in Madinah. It is obvious that Muslims belonging to the two tribes were no longer interested in the candidacy of 'Abd Allāh ibn Ubayy. The result was that he became a deadly enemy of the Prophet (peace be upon him) who, he thought, had deprived him of the kingdom that was coming his way.

All his life, therefore, 'Abd Allāh ibn Ubayy remained a hypocrite, and an inveterate foe of Islam. He it was who slandered 'Ā'ishah, the Prophet's spouse. He was also privy to the conspiracy to assassinate the Prophet (peace be upon him) during the battle of Tabūk. 'Abd Allāh ibn Ubayy created all conceivable difficulties in the way of setting up a new administration. Abū 'Āmir, a Christian priest of the Aws tribe, staked a claim to prophethood. He challenged the Prophet (peace be upon him) when he came to Madinah and asserted his own claim on the basis of his knowledge of the Bible which had prophesied the coming of the last Prophet (peace be upon him).

The Prophet (peace be upon him) preferred to settle down in a place in the territory of the Khazraj. Explaining the reason leading to this decision, Bukhārī states that the tribe was related to the Prophet (peace be upon him). The mother of ‘Abd al-Muṭṭalib came from the tribe. He left Qubā and stayed in the place where the tribe of Banū Najjār had settled. Soon he summoned there a conference of the representatives of various elements comprising the population of Madinah, and presented his proposal for setting up a state. The majority accepted it. Only four families of Aws dissented. A state was thus set up which consisted of only a part of the city.

CONSTITUTION OF MADINAH

Soon a constitution was drawn. It was a unique achievement. For the first time in history the rights and obligations of the subjects and the sovereign were reduced to writing. The constitution of the state was drafted with the consent of all the parties concerned. Thus came into existence the historic document of the first written constitution of a state piloted by a man who was not able to write himself.

This is not the occasion to go into details of the constitution which proclaimed an independent and sovereign state in which both Muslims and non-Muslims enjoyed complete freedom of religion. One of the clauses stated "for Muslims their religion and for Jews their religion". All the elements constituting the body-politic were assured of religious, judicial and legal freedom. The Prophet (peace be upon him) was recognised — to use a modern appellation — as the President of the state. Had a member of Aws been elected to this office the Khazraj might not have accepted him. The warring tribes agreed on a man in whom they had confidence for they had seen for themselves during the short time he was there that he was neutral, just, tolerant and generous.

As regards defence, the most important provision in the constitution declared that war and peace were indivisible. All citizens shared responsibility for both. The concept of indivisibility of war and peace and their control by a central authority was a significant development. Another clause laid down that in the event of war the Prophet (peace be upon him) would decide who would join the army and who would not. He enjoyed more powers than a commander-in-chief. He had the authority to expel men of dubious credentials whose object was to subvert Islam from within. He was not only in command of troops but controlled the course of war. It was laid down that in the event of an external attack every locality would directly defend its own area and people would help each other. All expenses incurred on such defence would be borne by the local populace. The central government at that time had no treasury. A voluntary unpaid army was thus the only option. But the army was controlled and directed by the Prophet (peace be upon him).

Similarly, the judicial administration was headed by the Prophet (peace be upon him). If a quarrel arose between two members of a tribe they approached their tribal leader in the first instance. If they belonged to two different tribes, the dispute was inevitably referred to the Prophet (peace be upon him). They had the authority, however, to agree on a mediator but the final court of appeal was the Prophet (peace be upon him). For Muslims, the Constitution clearly stated that the Prophet (peace be upon him) alone was the law-maker.

A provision which is both unusual and unexpected relates to insurance. If someone was unable, for instance, to pay ransom money his tribe or neighboring tribes and finally the central authority were responsible for payment. Provisions were also laid down defining the duties and rights of the Jews. The policy to be adopted towards the common enemy, the Quraysh of Makkah, was also defined.

This is an outline of the system which began in the days of the Prophet (peace be upon him). It started with a city-state which was founded in a part of the city but the state spread very fast. Within ten years Madinah had become the capital of a vast state. The area of this state, according to historical evidence, was no less than three million square kilometers. In other words, the average expansion during ten years was some 845 square kilometres per day. This expansion was achieved partly through peaceful means and partly through war. In addition to details of the battles waged we have details of the number of casualties. The average number of enemies killed in the course of conquests extending to over three million square kilometres works out at less than two per month. In ten years less than two hundred and forty men were killed. The number of Muslim casualties was much less. The maximum casualties — seventy were incurred during the battle of Uḥud — which was largely due to their own fault. The average of all casualties including those of the enemy was less than two a month over a period of ten years. This was a lesson for contemporary rulers provided a practical example of avoiding unnecessary bloodshed by the Prophet (peace be upon him).

EMERGENCE OF NEW INSTITUTIONS

Since the Prophet (peace be upon him) was the first to found a state in Madinah, he did not inherit the legacy of the old system governing the army, treasury, education, judiciary and general administration for the simple reason that none existed. He had to start from scratch. An important step was to set up a small secretariat consisting of a few secretaries. Al-Mas'ūdī and other scholars have dilated on their duties. Some secretaries wrote down the revelation, some kept account of *zakāh* indicating sources of receipt and giving details of expenditure. The orders about the disposal of booty captured during a war was to distribute it among those who had participated in it, only one- fifth was given to the government. It was necessary to keep an account of the collection and distribution of the booty. Special secretaries were assigned this task. Details are available of a dozen subjects which were dealt with by different secretaries. Among them were foreign affairs, for correspondence was conducted with foreign rulers in connection with the propagation of Islam.

Another subject which is concerned both with military and financial matters should be mentioned. It is generally believed that the financial system was introduced by 'Umar. The purpose was to provide permanent pensions from the treasury for young men on condition that they remained ready and available for army duties at short notice. This system is attributed to 'Umar but it really began during the days of the Prophet (peace be upon him). Muḥammad ibn al-Ḥasan al-Shaybānī states in *al-Siyar al-Kabīr* that one of the secretaries of the Prophet (peace be upon him) was responsible for preparing a list of adults who were able and willing to join army campaigns whenever called upon to do so. Such people received a permanent stipend from the treasury. 'Umar further improved upon the system prevalent during the era of the Prophet (peace be upon him). State revenue increased considerably during the regime of 'Umar who made corresponding increases in stipends. Even non-Muslims were recipients of such allocations.

Certain functions were discharged voluntarily e.g. there was no *adhān* or call to the prayer in the beginning. When people felt that such an institution was required, the Prophet (peace be upon him) selected Bilāl to do the needful because he had a melodious voice. It is said that the Prophet (peace be upon him) himself taught him how to call the faithful to prayer — where to stretch and where to clinch a word, in short a lesson in musical notes. A deputy was also appointed so that one person alone did not always have to carry the burden. Similarly, the Prophet's mosque had to maintain a standard of cleanliness. An Abyssinian woman volunteered her service. She daily swept the floor and lit the lamps.

MILITARY ADMINISTRATION

Of the many measures that were taken initially in many branches of life, one was aimed at setting up an administrative system for the army. A force was needed for defence. In the beginning the state treasury did not have enough funds. God solved this problem by making *jihād* obligatory on all Muslims who were required to make monetary and material sacrifices including the laying down of their lives for the defence of Islam. This did not mean that every Muslim was to participate in a battle but it certainly meant that every Muslim would volunteer his services whenever a need arose. The Prophet (peace be upon him) selected the required number from among the volunteers and sent them out on various campaigns.

In this connection the institution of *ṣuffah* should be mentioned for in addition to education it concerned the army. Sometime the Prophet (peace be upon him) received information which urgently demanded the despatch of a punitive force to a tribe. For example if someone attacked a house in Madinah at night and it was considered necessary to send a punitive force to the area, the service of the people of *ṣuffah* proved useful for they could be summoned at any time of day and night.

In case a large expedition was required, due preparations had to be made. The Prophet (peace be upon him) would make an appeal in such cases during his Friday sermon or he would summon an extraordinary meeting where he would announce the number of volunteers required. It is interesting that names and addresses of such volunteers were noted down in such meetings and it was only later that they were intimated about the time and place where they were required to collect with their equipment, etc.

Not only this, but many other details are available about the system of military administration. The Prophet (peace be upon him), for example, always exhorted people to remain physically fit through exercises. He encouraged the practice of archery. He personally attended such competitions. He encouraged racing — horses, camels and men — and also patronised wrestling. On all such occasions the Prophet (peace be upon him) distributed prizes. A mosque called *Masjid al-Ṣibāq* still survives near the northern gate of Madinah. The word *Ṣibāq* means to win in a competition. It is said that the Prophet (peace be upon him) used to stand on a high place near the mountain and watch horses winning a race and securing the first three places. Al-Maqrīzī has recorded that the first five horses used to be awarded prizes in the shape of dates or other items.

Military service was declared compulsory and a suitable system for training was devised by the Prophet (peace be upon him). Simultaneously with such arrangements a system was set in motion to collect arms under the auspices of the government. This involved buying of equipment, horses, camels, and their maintenance in state grazing grounds. Volunteers with inadequate means were subsidized by the state so that the effectiveness of the army might be enhanced.

Another system that the Prophet (peace be upon him) set up related to the writing of treaties, documents and letters to various rulers and tribal leaders. The oldest collection of letters written by the Prophet (peace be upon him) to foreign rulers is attributed to a Companion called ʻAmr ibn Ḥazm. The man who has transmitted this collection to us is Abū Jaʻfar al-Daybulī, and as the last name suggests, he belonged to a place which is now a part of Pakistan. Subsequently, many others followed suit and attempted to collect the letters of the Prophet (peace be upon him).

Not only writing letters but despatching envoys to foreign rulers was also considered necessary. We come across names of a number of people who became envoys. It is significant that the Prophet (peace be upon him) also sent out non-Muslims as envoys, possibly because of their trustworthiness and their personal talent for the job. ʻAmr ibn Umayyah al-Ḍumāri, for example, was sent as an envoy, before he accepted Islam, to the King of Abyssinia. He personally knew the Negus and was well aware of the conditions obtaining in that country. The Negus became king during his childhood when his uncle became the regent. He quietly sold the nephew, it is said, to some Arabs who lived in Badr. (The tribe of Zumrah also belonged to the same area).

STATE REVENUE

Of the many aspects of the system of administration set up by the Prophet (peace be upon him), three should be mentioned in particular viz. revenue, education and judiciary. So far as revenue or the income and expenditure of the state is concerned, the system evolved very slowly. *Zakāh*, the largest source of revenue, was made obligatory in the year 9 AH i.e. a couple of years before the death of the Prophet (peace be upon him). What happened before is not known exactly. Since the Makkan verses of the Qur'ān mention *zakāh* it can be presumed that it was paid by Muslims even before the migration to Madinah. But neither the time nor the amount fixed for the purpose is indicated. Every Muslim used to offer of his own accord whatever he thought he could contribute for the cause of Islam. No clear details are available. Another temporary source of income was the state share of the booty secured during a war. It was deposited in the treasury. The Prophet (peace be upon him) operated on it to meet national needs.

During the pre-Islamic period a soldier kept the booty for himself; and it was never distributed. However, the commander of the army was entitled to a quarter of the booty secured by every soldier. The Prophet (peace be upon him) made amendments in this system. He reduced the share of the state to one-fifth instead of a quarter.

Another aspect of the reform was conceptual, and therefore, very important. Instead of being treated on an individual level the booty was treated on a collective basis. The gains of war belonged to all, including those who for some valid reason could not participate in it. It is necessary, for example, to guard an army camp so that no enemy is able to do any harm to the stores, animals, women and children there. Soldiers guarding such encampments do not actually participate in a war, but they contribute to its successful prosecution. The Prophet (peace be upon him), therefore, laid down that booty should be equally distributed to all those entitled to it. There was no difference between a soldier and a commander. Both received an equal share. In the event of a large army, it was divided into battalions and every unit had a commander. But their status was equal to that of an ordinary soldier so far as booty was concerned. The only difference permitted was that a soldier with a horse was entitled to double the share of an infantry man.

There was a third source of revenue for the state in addition to *zakāh* and spoils of war. During the pre-Islamic period a part of agricultural produce was offered to the idols of Makkah. It is possible that Muslims in Madinah, following this custom, offered the produce to the Prophet (peace be upon him) for religious purposes. Later this contribution became the institution of *zakāh*. These were preliminary arrangements. The income of the state had to be supervised. The task was assigned to Bilāl who was both a Minister of Finance and the Caller to Prayer. A room in the Prophet's Mosque was assigned to the treasury. It was always locked. State money and state property were kept locked in this room.

According to commentators of the Qur'ān, it was long after Migration, i.e. 9 AH, that the Qur'ānic verses about *zakāh* were revealed. Every man of means had to pay this tax. The tarrif, however, varied from one category of property to another. Agricultural produce, for instance, was taxed at 10 per cent, whereas, a trader had to pay 2.5 per cent of his capital. If someone owned mines of iron, gold, or silver he also had to pay a certain share to the state. Revenue officers were sent outside Madinah to collect *zakāh* from all territories. Later, local collectors were appointed. In short, the government revenue dealt with income on the one hand and expenditure on the other. There are very few directives in the Qur'ān about income but there is a clear command in respect of expenditure:

> The alms are only for the poor and the needy, and for those employed in connection therewith, and for those whose hearts are to be reconciled, and for the freeing of slaves, and for those in debt, and for the cause of Allah, and for the wayfarer — an ordinance from Allah (9:60).

This is the basic guiding principle of the state budget outlay.

In addition to the permanent sources of income there was another means of collecting money. If the Prophet (peace be upon him) needed a large sum for a special purpose, he encouraged Muslims to donate generously for the national cause during one of his sermons in the Mosque. Take the case of the battle of Tabūk. It was to be a war with one of the leading powers of the world — the Byzantine empire. The poor Arab nomads had to undertake a month's journey just to reach the Byzantine frontier. It was the height of summer. Means of communication were needed. The Prophet (peace be upon him) exhorted people to donate generously. They responded enthusiastically with the result that the Muslims won a victory in the war.

Of those who contributed generously three may be mentioned. First of all was 'Uthmān, a wealthy trader and a sincere philanthropist. He always contributed generously to the cause of Islam. He donated 40,000 sovereigns. This was indeed a large sum, even by modern standards. The Prophet (peace be upon him) was plainly pleased. Among other things, he prayed for him saying that God would forgive him for whatever he did for the rest of his life. 'Uthmān was happy at the benediction but he had spent only a part of his wealth. 'Umar donated 10,000 *dirham*s. Asked if he had left something for his family, he disclosed that the contribution represented half his property and the rest remained at the disposal of the family. The Prophet (peace be upon him) was happy and prayed for him too. After him came Abū Bakr who offered only five hundred *dirhams*. 'Uthmān had donated four hundred thousand *dirhams*, 'Umar had given 10,000 *dirhams*. The Prophet (peace be upon him) asked if Abū Bakr had left something for the family. He replied: "Nothing except the love of Allah and His Prophet (peace be upon him)!" Such was the stuff that the leaders of Islam were made of. They were ready to sacrifice everything they had in the way of God.

EDUCATION

The first word of the first revelation to the Prophet (peace be upon him) was *iqra'*, i.e. "read"! After this the Prophet (peace be upon him) devoted all his life to the education of his people — teaching them reading and writing and imparting instruction in religion and ethics. His first act on reaching Madinah was to build a mosque, a part of which was devoted exclusively to teaching. The word *ṣuffah* (meaning a platform or a dais) was used as a school by day and provided shelter to those who had nowhere else to go by night.

This would seem to be the first residential university set up by the Prophet (peace be upon him). People of the city began to avail of it from the day it started. Men who had no means stayed on in the mosque at night. Different courses were taught according to the requirements of different classes. Those who were completely illiterate were taught how to read and write. Arrangements were available for lectures. A person was assigned the duty to teach the alphabet because he happened to be a good scribe. Another was asked to teach the Qur'ān. He came to the Prophet (peace be upon him) and told him that one of his pupils had given him a bow as a mark of gratitude, and had asked him to use it in a *jihād*. He enquired whether he could accept the gift. The Prophet (peace be upon him) said that the bow was hell-fire. He left immediately and returned it to his pupil although he had made it clear that the pupil had presented it to him in order to fight with it in the way of God. The Prophet (peace be upon him) forbade acceptance of presents because they could be construed as compensation for teaching.

Every service was voluntary in the beginning. It is possible that teachers were later paid by the government but they were expressly forbidden to accept gifts from their pupils. An example illustrative of the administrative aspect of a system of education should be of some interest. Mu‘ādh ibn Jabal was sent to Yemen as Inspector General of Education. According to Ṭabarī, his duty was to go from one village to the other and from one district to the other, and arrange to set up a system of education there. This example of Yemen must have been followed in other provinces. Local teachers were appointed, and to oversee their work, principals of schools and their inspectors. This assured supervision by the government which could redress grievances and correct any mistakes that might occur.

JUDICIAL ADMINISTRATION

A system of much needed judicial administration was also set up by the Prophet (peace be upon him). In the beginning the number of Muslims did not exceed a few hundred. All of them lived in the city of Madinah. There was hardly any question of disputes among Muslims but in case one arose, the people concerned referred it to the tribal leader or to the Prophet (peace be upon him). The case was decided quickly and the decision was implemented. People had the right to approach the highest judicial authority of the land, the Prophet (peace be upon him), and seek redress of their grievances. With the gradual expansion of the state, judicial machinery had to be set up in different places. When the Christians of Najrān in Yemen came to Madinah they declined to accept Islam but agreed to live in the Islamic state as subjects, provided their churches remained intact and they were allowed to appoint their own priests. Eventually they requested the Prophet (peace be upon him), in whose neutrality and justice they had complete confidence, to provide them with a Muslim judge. The Prophet (peace be upon him) appointed Abū ‘Ubaydah ibn al-Jarrāḥ and praised him as a person in whom Muslims had full confidence and he would, therefore, perform his duties conscientiously.

Meanwhile Islam began to spread all around and many Christians embraced the new faith. The Muslim judges posted in different stations continued to receive different instructions from the centre. ‘Alī, for example, was appointed a judge. He was a young man and told the Prophet (peace be upon him) that he had no experience of the job and did not know how he would perform the task assigned to him. The Prophet (peace be upon him) volunteered a fundamental piece of advice: "When someone comes to you with a complaint, do not decide the case on his evidence alone. Send for the other party; listen to it and then make a decision in the light of the statements of the two parties." ‘Alī is on record as having stated that he did not have the slightest hesitation in deciding cases for the rest of his life for the fundamental principle was to listen to both sides before reaching a conclusion.

CONCLUSION

These, then, were the different institutions which formed the basis of the administrative system. It took care of education, army, revenue and the secretariat. The needs of the day were adequately met. Foundations had been securely laid during the days of the Prophet (peace be upon him) for institutions which were later to cater for the needs of a more developed society.

We have not yet touched on the concept of government. The Prophet's concept of the city-state of Makkah, which was run by the pagan Quraysh, was that they were only its *de facto* rulers but *de jure* the state belonged to Muslims. When the Prophet (peace be upon him) heard that during the battle of Badr the standard of the Quraysh was carried by a pagan belonging to the family of ʻAbd al-Dār, he remarked that the communication of truth was the duty that devolves on Muslims. He then handed over his own standard to Muṣʻab ibn ʻUmayr, the commander, a Muslim of the same family. Someone was needed to negotiate with the pagans of Makkah when the Prophet (peace be upon him) halted at Ḥudaybiyah. ʻUmar who was the former hereditary Foreign Minister of Makkah was selected for the assignment. Khālid ibn Walīd was made Commander of the cavalry after he embraced Islam, because that was the position he held in Makkah before his conversion. Abū Bakr was appointed the *Muftī* in Madinah because he had held a similar office in Makkah. At the time of the conquest of Makkah, the Prophet's uncle ʻAbbās desired to have the keys of the Kaʻbah. The Prophet (peace be upon him) declined his request and restored the keys to their former keeper who had become a Muslim. A similar policy was pursued in relation to other office. It seems that after Migration to Madinah the Prophet (peace be upon him) considered himself the *de jure* ruler of Makkah although pagans were in *de facto* possession of the city-state. Both functions were combined in one person after the conquest of Makkah. The Qur'ān clearly states:

> And remember the time when the disbelievers plotted against thee that they might imprison thee or kill thee or expel thee. And they planned and Allah also planned, and Allah is the best of planners (8:30-34).

Incidentally we need to be reminded that sovereignty belongs only to God. We are merely care-takers and our duty is merely to enforce His law.

QUESTIONS AND ANSWERS

Question

You mentioned that the Prophet (peace be upon him) taught Bilāl how to call the faithful to prayer. He taught him how to prolong certain words and to shorten others. Thus he taught him the sounds of music. In the light of this statement, what are the possible limits of music in Islam?

Answer

Not only this. There are many other instances which indicate that music is not at all forbidden in Islam. What is forbidden is music during prayers or music which is usually considered decadent as a form of entertainment. Let me give you a few examples which prove that music as such is not forbidden. The Prophet (peace be upon him) on returning from a marriage feast remarked to 'Ā'Ishah that there was no music in the wedding party given by one of her relatives and he wondered why. The implication is clear. Music and wedding celebrations go together.

Here is another example. It relates to the Farewell Pilgrimage. The Prophet (peace be upon him) was camping in Minā. 'Ā'īshah relates that a few girls were playing on *daff*, a musical instrument, in her tent where the Prophet (peace be upon him) lay taking rest with a piece of cloth on his face. Abū Bakr, 'Ā'ishah's father, came to call on the Prophet (peace be upon him) and scolded the girls who were indulging in music. The Prophet (peace be upon him) who was not asleep lifted his head and addressing Abū Bakr said that it was the day of *'Īd*. In other words, he suggested that the girls were perfectly within their right to celebrate the occasion with music.

Yet another example relates to *'Īd* during the year 2 or 3 AH 'Ā'ishah narrates that there was some noise in front of the house on the *'Īd* day. The Prophet (peace be upon him) got up to see what it was. 'Ā'ishah also got up to see the spectacle. There was an Abyssinian quarter in Madinah. They used to display their feasts of javelin throw in the streets, specially on *'Īd* days, and people used to pay them some money in appreciation. The Prophet (peace be upon him) did not stop the Abbysinians. On the contrary, he asked 'Ā'īshah to witness the show. She saw it to her heart's content and left only when she felt tired.

When the Prophet (peace be upon him) migrated to Madinah, he halted at Qubā. The entire populace, Muslim and non-Muslim, turned out in strength to welcome him as a mark of hospitality. The Abyssinian boys were among the crowd. They entertained the Prophet (peace be upon him) with javelin feats. The Prophet (peace be upon him) appreciated their gesture and received them with consideration and kindness, and possibly gave them some money.

The recitation of the Qur'ān is also a form of music. The Prophet (peace be upon him) ordered that the Qur'an should not be read like ordinary prose. It should be recited melodiously. He added that God had not given a greater sanction to any branch of music than the recitation of the Qur'ān. There is a *ḥadīth* that God does not lend His ear so much to any sound as to a melodious rendering of the Qur'ān. In brief, there is no ban in principle on music provided it has a good objective, and does not interfere with the discharge of our obligation of prayer. There is a whole chapter devoted to this subject in al-Ghazālī's *Iḥyā' 'Ulūm al-Dīn*. He deals in detail with the status of music in Islam.

⁂

EIGHT

DEFENCE

In order to defend a country one needs not only to take military measures, but also to make administrative arrangements of a civil nature. We should begin with the latter and briefly dilate on the significant steps taken by the Prophet (peace be upon him) for the security of the small state he had founded in Madinah.

In the ordinary circumstances it was perhaps not necessary to set up a new state at all. But the pagans of Makkah persistently persecuted the Prophet (peace be upon him) and his followers for years, confiscated their property and drove them out of their homeland. They pursued Muslims even after they had gone into exile and called upon the people of Madinah either to expel their enemy, the Prophet (peace be upon him), or to eliminate him altogether. In the event of their failure to comply with the demand the people of Madinah were warned of dire consequences. The threat of military invasion could not be taken lightly by any responsible leader, least of all by the Prophet (peace be upon him) who had to set an example for everyone and leave behind a model for Muslim rulers and military commanders of the succeeding generations.

The Prophet's foremost concern soon after the Migration was the rehabilitation of the Emigrants.The institution of brotherhood he devised to meet the problem solved the issue to the satisfaction of all concerned. The other issue was the absence of a state in Madinah which had seen civil war for generations owing to inter-tribal hatred, animosity and jealousy. In the event of a tribe attacking another, those not directly involved remained neutral with the result that the tribe concerned alone had to bear the brunt of the attack.

It was an act of great statesmanship on the part of the Prophet (peace be upon him) to persuade the tribes to sink their differences and form a small state. He prevailed upon them to accept his proposal to set up a central authority despite their tribal and religious differences. The state that was set up embraced the major part of Madinah and comprised Muslims, Jews and the pagan tribes who were all unanimous in their selection of the Prophet (peace be upon him) as their leader. Every tribe retained internal autonomy and delegated a few subjects to the centre. The most important of these was defence, the provision was clearly made in the written Constitution of Madinah, a document which has been preserved for posterity. It was agreed that in the event of a conflict with an enemy, the Prophet (peace be upon him) would be responsible for making arrangements to meet the threat. He was authorized to decide whether or not the army would fight the enemy outside the city. He had the authority to grant or withhold permission to a person to participate in a battle for it was necessary to prevent subversion by those who might be hypocrites, traitors or enemy spies. These, then, were the preliminary arrangements for defence.

ALLIANCES WITH TRIBES

Having founded and secured a city-state from within, the Prophet (peace be upon him) proceeded to seek alliances with the tribes in the neighbourhood. He went first to the north at a distance of three or four days' journey from Madinah, and succeeded in making a military alliance with the non-Muslim tribes. The treaty clearly stipulated that it had nothing to do with religious affairs and that it was exclusively a military arrangement. It was agreed that the contracting parties would help each other in the event of an attack by a third party.

After this initial success in the north, the Prophet (peace be upon him) proceeded to the south where non-Muslim tribes agreed to sign a similar military pact with him. He then made for the east and sought alliances with tribes. Documents of some five to seven alliances signed with different tribes are still available. The basic idea was to secure Madinah through seeking the friendship of tribes living around it so that no enemy could launch a direct attack on the city-state. The enemy would have to contend with the allies of Madinah in the first instance and they could be depended upon to warn the city of an impending attack. A cordon was thus established to ensure the security of Madinah. The friendly settlements around it helped advance the cause of the city's defence.

It was necessary to have resort to these political measures to achieve the military objective of defence against the enemy. The Prophet (peace be upon him) set an example and showed how a small emerging state of Muslims could be defended against its numerous enemies. The initial pacts with tribes around Madinah were designed to defend it against the vengeance and venom of Makkans who had persecuted and killed Muslims and when the Muslims migrated to Madinah, the Makkans confiscated their property. The Muslims of Madinah had a natural right to seek revenge and redress for the physical and financial losses inflicted on them by the people of Makkah but they did not have the necessary military strength. With the encouragement of the Prophet (peace be upon him), however, they began to bring economic pressure to bear upon Makkah.

The Quraysh of Makkah had no means of subsistence other than trade. Their caravans proceeding to the south towards Yemen had no threat of Muslim attack but those going to Iraq, Syria and Egypt in the north, had inevitably to pass through Madinah. The Prophet (peace be upon him) declared that they could not pass through his territory and this meant not only Madinah but also the territory of tribes which had entered into an alliance with it.

This was intolerable for the Quraysh who insisted on the right of safe passage. It is obvious that the small band of Muslims could not enforce its decisions in a country which had no roads as such. It was not easy, therefore, to prevent the passage of the Quraysh caravans which could always use a number of alternative routes.

The initial efforts in this direction failed repeatedly. At least seven times before the Battle of Badr, Muslim forces tried in vain to prevent the passage of the Quraysh caravans. They managed somehow to escape but the Muslims continued their efforts. Intelligence gathering apparatus for keeping track of the movements of the Quraysh caravans was made more effective. The number of friendly tribes was increased and every possible effort was made to prevent the passage of the Quraysh trading caravans. Seeing the Muslim determination in this regard the Quraysh decided to force their way through the Muslim territory.

GATHERING INTELLIGENCE

Immediately before the Battle of Badr, when the Quraysh had gone northwards, it occurred to the Prophet (peace be upon him) that they would return through the same route, for there was no other way of escape. He, therefore, ordered a couple of spies to proceed to Syria and keep the caravan under surveillance. They had instructions to return immediately with the requisite information. The speed of the caravan and the spies was almost the same because the fastest means of communication available to both were camels.

When the two spies returned in all speed to Madinah they discovered that the Prophet (peace be upon him) had already received information from other sources and had left the city. This means that he used more than one channel to gather intelligence and endeavoured to prevent its flow to the enemy camp. The Prophet (peace be upon him) proceeded south towards Makkah instead of the north of Madinah so that he could reach a safe place to intercept the enemy. Badr was selected for this purpose. It is situated in a narrow valley between high hills. The Muslims could hide in the mountains and surprise the enemy which could be easily ambushed in the narrow valley.

Muslim troops looked about for the enemy in different places. Some soldiers scouted in forward areas while the Prophet (peace be upon him) himself, accompanied by a couple of Companions, gathered intelligence from ordinary bedouins. On reaching Badr, he discovered that the enemy had not yet arrived there. Consultations ensued about the place where Muslims should set up their camp. A place north of Badr, a very narrow pass, was selected.

A couple of days later, the Quraysh caravan also reached there. It had experience of the hot pursuit of Muslims and was now very careful and cautious in its movements. The caravan halted at a place which was at some distance from the pass. Abū Sufyān, the leader of the caravan, went alone to the town of Badr, with which he was familiar. He knew the people there and went directly to a place which served as a club. There was only one well and the people gathered there for water and social gossip. Abū Sufyān, on reaching there, enquired of the whereabouts of the tribal leader and went to see him. He assured Abū Sufyān that he had not noticed any unusual movement of troops. He had, however, seen two bedouins who drank water at the well with their camels and went away. Abū Sufyān surveyed the whole scene with great care.

A short distance away from the well he noticed some camel dung. He picked up a piece and examined it. Instead of grass it had date stones. He immediately came to the conclusion that the camels belonged to Madinah for they could have eaten dates only in the city. He returned in all speed to his caravan and led it through forced marches along the sea coast to safety. Before the retreat, however, he had despatched a messenger to Makkah to warn his people that he faced prospects of an imminent attack by the enemy and needed their help. After his successful withdrawal, Abū Sufyān sent another envoy to Makkah with the message that he no longer needed reinforcement. But the Makkan army, under the command of Abū Jahl, had already left. On receipt of Abū Sufyān's message it was decided that the campaign should continue and the enemy should be exterminated once for all.

The Prophet (peace be upon him) waited for Abū Sufyān's caravan which never turned up in Badr. It was later discovered that it had already escaped. The Prophet (peace be upon him) then consulted his Companions about where to station the troops. The central area of the city where the only well was situated was selected as a suitable site. It was the only source of water. Its possession would certainly give an advantage to the Muslim troops over the Makkan force. The Prophet (peace be upon him) left the northern pass of Badr and came to camp in the centre of the city with a handful of his troops (312 in all). At the suggestion of some Companions a large pit near the well was dug up so that it could be filled with water for use in an emergency. A guard was posted there to prevent access to the enemy.

These precautions proved most useful from the military point of view. The Makkan force under the command of Abū Jahl reached the spot. The Muslim patrol arrested two men who were approaching the well to draw water. They were taken to the Prophet (peace be upon him) who was busy in his prayers. The soldiers interrogated both the prisoners. The prisoners said that they were from the Makkan army. The interrogators insisted that they were members of Abū Sufyān's caravan. On being beaten up they confessed that they were part of Abū Sufyān's caravan. Later, on being interrogated again, they retracted and made a statement that they belonged to the Makkan army.

When the Prophet (peace be upon him) was free after having finished his prayers he told his soldiers: "You beat them when they tell the truth and you leave them when they tell a lie." Then the Prophet (peace be upon him) personally interrogated them. "Who are you"? he asked. "We are men of the Makkan army", they replied. "And what is your number"? they were asked. "We do not know", they answered and they were right. "How many camels are daily sacrificed to feed your men?" "Nine on one day and ten on the other", they answered. The Prophet (peace be upon him) deduced that their number would be between nine hundred and a thousand because one camel is enough to feed a hundred persons. In fact the total number was 950. They were asked questions about the names of chiefs who led various wings of the army — the right, the left, the centre, etc. The Prophet (peace be upon him) was familiar with all the names because their bearers were his compatriots.

BATTLE OF BADR

Having received all the available information the Prophet (peace be upon him) rested for a while during the night. Early next morning he divided his small force of 312 men into five sections and named their commanders and assigned them to man the right, the left, and the centre of the field. He took every possible precaution for the safety and security of his men. A small hut was set up on top of a hill so that the Prophet (peace be upon him) could survey the whole scene during the battle and issue appropriate orders to his commanders. His headquarter was not exposed and arrows could not achieve a direct hit in the shelter from which the Prophet (peace be upon him) performed his duties as commander-in-chief of the army. Two fast she-camels were available near his hut so that they could be used in the event of a retreat.

The enemy had 950 men while the Muslims numbered 312. The Muslim force had no more than two horses while the enemy had more than a hundred. The Muslims had a dozen pieces of armour while the enemy had two hundred. In every way the enemy was superior and more powerful. The Prophet (peace be upon him) prostrated himself in prayer to God Almighty in his little hut and invoked His help. The prayer was poignant and indeed most effective. The Prophet (peace be upon him) prayed:

> O God! If You want that no one in the world should worship you in future, by all means defeat this little band of ours; but if it is Your wish that people should continue to worship You, then grant victory to this small band of men over the large force.

Then he came out of the hut and addressed his men. "At this moment", he said, "you alone are the guardians of Truth in the whole world, and you alone are fighting for the cause of God, while the rest are all His enemies". The speech had the desired effect. The Muslims fought valiantly for the sake of a noble cause and a small force defeated a large army. The casualties inflicted on the enemy were seventy dead and a larger number were made prisoners of war.

PRISONERS OF WAR

Now a question arose, for the first time in the history of Islam, about the treatment to be meted out to prisoners of war and the manner in which spoils of war were to be disposed. It was the considered view of ‘Umar that the Quraysh prisoners were inveterate enemies of Islam and had done everything in their power for fifteen years to inflict every conceivable injury on it. He saw no prospect of their ever embracing Islam and advocated, therefore, that they should be put to the sword. Abū Bakr disagreed with ‘Umar and suggested release of prisoners on payment of ransom. Nothing would be gained by eliminating them, he argued. There was a remote possibility of their future generations becoming Muslim. In any case, the payment of ransom would weaken the enemy and strengthen the Muslim economy which needed financial resources.

The Prophet (peace be upon him) was prevailed upon to accept the proposal of Abū Bakr. The Qur’ān, however, subsequently reprimanded him on this score (8:68). The reason for the reprimand was perhaps the Mosaic law on this issue. The Prophet (peace be upon him) was bound to act on the laws of the Prophets preceding him unless they were expressly abrogated or amended through revelation. In this case he was expected to act on the law laid down in the Torah which clearly states, more than once, that in the event of victory in a war, all enemy — men, women, children, old men and even animals — were to be killed. Enemy possessions were to be taken as spoils of war and burnt instead of being used by the victors. Consistent with his merciful nature, however, the Prophet (peace be upon him), who is hailed as a "Mercy for all mankind" in the Qur’ān, refrained from acting on the Jewish law. God reprimanded him on this score because he was supposed to act on the old law until such time as it was specifically amended or abrogated. He was, however, only warned but not punished because, as God Himself said, He had already decided to change the old law.

Muslims derived much financial benefit from the Battle of Badr. The enemy was weakened for they had spent millions on the war. The Muslims gained through ransom money which was considerable. A prisoner had to pay the equivalent of a hundred camels. Seventy prisoners of war had to pay the equivalent of seven thousand camels. Some prisoners paid in cash. Some were traders. One of them offered to pay in armour. Some were poor but their friends and relatives helped collect the required sum. Some were indeed very poor and had no one to help them. But they were literate. Instead of paying a hundred camels each, they were asked to teach ten Muslims each to secure their freedom. But there were a few who were neither literate nor rich nor had any rich relations to help them out. They were released after undertaking not to fight the Muslims again. There were cases in which the Muslims taken prisoners by a tribe were released in exchange for a pagan prisoner of war. Many precedents created by the battle of Badr later provided the basis of international law in Islam.

BATTLE OF UḤUD

The Makkan army was defeated. They returned to Makkah and started preparations to avenge their defeat. For a whole year they contacted different tribes with a view to recruit mercenaries who were offered attractive wages besides being promised a share in the spoils of war. They recruited three times the number of soldiers who had suffered defeat at Badr. The Quraysh now marched upon Madinah with a force of three thousand men. The Muslims had no more than a thousand who could bear arms. Of these, three hundred turned traitors at the eleventh hour. They were ‘Abd Allāh ibn Ubayy’s followers. They betrayed at the behest of their leader who was angry with the Prophet (peace be upon him) because he had rejected his advice to fight the Quraysh from inside the city instead of going out of Madinah. ‘Abd Allāh ibn Ubayy, as we know, was to be crowned the king of Madinah before the Prophet (peace be upon him) appeared on the scene. At least one tribe had placed an order with a jeweller for a gold crown for him. His conversion to Islam was obviously insincere. He nursed a grudge against the Prophet (peace be upon him) and sought his revenge at the eve of the Battle of Uḥud.

The Muslim force of seven hundred men was confronted by the enemy who numbered three thousand. The Muslims were stationed in a safe place at Uḥud. The mountain of Uḥud is like a bow with two circles. The access to the inner circle is through a very narrow passage. This is where the Muslims had camped. They came out in the second circle to fight the enemy and went below to the open field. The enemy was stationed at another place. There was a small hill where the Muslims were organizing their battle force. The hill was called Jabal al-Uhāh i.e. the archers’ hillock. It was considered important from the military point of view to occupy it in order to prevent an enemy attack from the rear. Fifty archers were appointed to man it. There were only two horsemen in the Muslim army viz. Abū Hurayrah and ‘Abd

Allāh ibn Zubayr. They were ordered to stay near the hillock so that they could help prevent an attack by the enemy cavalry.

In accordance with the Prophet's assessment, the enemy advanced its infantry in the plain in front of Uḥud. The cavalry under the command of Khālid ibn Walīd and his close kinsman, 'Ikramah ibn abī Jahl, was to circuit some twelve miles behind the mountain of Uḥud and attack the Muslim force from the rear. The Muslims won the battle in the initial phase when the enemy began to flee with their womenfolk.

Exactly at this time the enemy cavalry appeared from the rear. The Muslim archers and infantry men tried to repulse the attack, and succeeded in their mission because the battle took place in a very narrow pass. Khālid ibn Walīd retreated but turned back after some time to attack the Muslims. The pagans were repulsed for the second time. They were on the run for they had been defeated. The Muslim soldiers were busy in collecting the booty. The archers posted on the hillock decided to abandon their station to take the spoils of war which they thought had been won. They did so in violation of the Prophet's orders who had directed them in the most unequivocal language not to leave the hill even if they saw vultures hovering over the dead bodies of Muslim soldiers. Their commanders tried to stop them but most of the archers abandoned the hill.

When Khālid ibn Walīd noticed that the hill was empty he turned back for the third time to attack the Muslim force. The commander and the remaining eight or ten archers, who were still manning the hill were all martyred. The pagan force attacked Muslims from the rear after capturing the strategic hill. The Muslim soldiers were collecting the booty and the pagans were running away. The pagans noticed that Muslims, instead of pursuing them, were looking backwards. The fleeing pagans also turned back to attack the Muslims. Now the Muslims were encircled by the enemy from both sides with the result that seventy of them were martyred and the Prophet (peace be upon him) was himself wounded. Many Muslims fled. Some stopped at a distance of three day's journey; some sought safety on the mountains. In brief, the Muslims were decisively defeated.

Here Divine dispensation came into play. The Quraysh should have ordinarily returned to Madinah after their victory. The city was undefended. They could have looted it and they could have captured women and children who had been left behind. But they did not do so. There is no explanation except that it was God's dispensation to save Madinah from the marauding foe.

The commander of the enemy force, Abū Sufyān, was an extremely clever man. In the Battle of Badr he had rightly assessed, by examining the camel dung, that Muslims had already arrived there. He inspected the battlefield in Uḥud and saw the dead bodies of Muslims. Among them was Ḥamzah, an uncle of the Prophet, Abū Sufyān's wife had split open his stomach and chewed his liver. Abū Sufyān saw this and said that he had not ordered the misdeed although he was happy in his heart that a brave man like Hamzah had been eliminated. He then proceeded to a place where four Muslim soldiers were present on top of a hill. He challenged them: "Praise be to the idol Hubal who has won a victory and you have been defeated." He also raised other boastful slogans.

When 'Umar heard them he explained them to the Prophet who advised him not to answer them. Abū Sufyān yelled: "Is Abū Bakr alive? Is 'Umar alive?" He received no response and was glad that they were dead. He then raised a slogan in praise of idol Hubal. 'Umar could not restrain himself. Without seeking permission from the Prophet he replied: "O enemy of Allah! We are all alive. The Prophet is alive and so are Abū Bakr and 'Umar."

At that time there were barely seven or eight armed Muslims on top of the hill. Abū Sufyān who had a whole army with him could have easily disposed them off. But he did nothing of the sort. He only said that he had avenged the defeat at Badr where his son Ḥanẓlah had been killed. He had now killed another Ḥanẓlah, the son of Abū 'Āmir al-Rāhib, a great Muslim warrior. Abū Sufyān promised to return the next year for another battle with Muslims.

One does not know why Abū Sufyān did not take full advantage of his victory. He simply returned home. The Prophet (peace be upon him) thought that he might have gone to loot Madinah. He sent a couple of soldiers there to find out and suggested that if the enemy was using camels then they were on their way to Makkah, a long journey, but if they were using horses, one could conclude that their destination was Madinah, a short journey. Having issued instructions he got busy with burying the dead and tending the wounded. He then went to Madinah. His military instinct led him to ensure the defence of Madinah lest the enemy decide to return and ransack it. The Prophet (peace be upon him) entrusted it exclusively to those who had taken part in the Battle of Uḥud presumably because they alone could be depended upon to fight fiercely to avenge their own defeat. The Prophet (peace be upon him) did not allow any one else to join the force which he led to the south of Madinah in pursuit of Abū Sufyān. For three days the Muslim army chased him and then halted to camp. Meanwhile Abū Sufyān realized that he had made a mistake in not taking full advantage of his victory. He decided to return to Madinah. When he found out that the Prophet (peace be upon him) had already left the city to fight him. Abū Sufyān gave up the idea and returned to Makkah.

In the Battle of Uḥud the enemy neither won nor lost. But there were two aspects which were well worth a thought. The first was to find ways and means to improve the morale and discipline of the Muslim army. It was necessary to instil a spirit of confidence and improve the response of the Muslims. The other was to analyse the implications of the return of the enemy. It took the pagans of Makkah another two years before they ventured to stage yet another attack on the Muslims.

BATTLE OF DITCH

One of the reasons which encouraged them to do so was the Muslims' involvement in battles against the Jewish tribes of Madinah – one was Banū Qaynuqā‘ and the other was Banū Naḍīr. The latter was very rich. It had settled down in Khaybar after being expelled from Madinah. The Jews sought to take revenge from Muslims on the strength of their wealth. Instead of fighting themselves they arranged to collect mercenaries. They promised full support to the pagans of Makkah in the event of their attack on Madinah. They extended financial support to tribes allied with Makkah on the same basis. The tribes allied with the Jews were promised the entire produce of dates in Khaybar provided they helped the Makkans in their attack on Madinah.

In brief, a force of twelve thousand set out to attack Madinah. The Prophet (peace be upon him) received intelligence from various sources and decided to fight them from within the city. The people of Madinah, unlike on the eve of the Battle of Uḥud, did not insist on going out of the city to meet the enemy. As against twelve thousand men of the enemy the Muslim force was no more than fifteen hundred.

The enemy, besides having superiority in numbers, had considerable financial resources. The rich area of Khaybar backed them with all its wealth. Salmān al-Fārsī, a Companion of the Prophet, suggested the digging of a ditch around the city so that the enemy could not stage a surprise attack by day or night. This was standard practice in Iran while Arabs were not familiar with this strategy. Wāqidī has given full details of the event. The Prophet (peace be upon him) rode on a horse and went about the city with a few Companions to survey where defence was weak and where the ditch should be dug. The Prophet (peace be upon him) assumed the role of an engineer and personally led his followers who finished the task before the enemy could attack the city. No general could have chosen a better site. The ditch was so wide that even the fastest horse could not jump across it. And it was so deep that no man who fell in it could come out on his own, the depth being three to four yards.

The Makkans and their nomadic allies had no experience of a ditch battle. Being obliged to fight in an entirely new environment they had no choice but to shoot arrows from a distance. There were small hillocks along the ditch and it seemed from two points that no ditch had been dug there. Muslim soldiers were posted on top of the hillocks. They saw an enemy horseman jump the ditch and suddenly appear in the Muslim camp. This must be a place which was left empty between the ditch and the hillock. The horse jumped on the hillock and entered the Muslim camp. But there was only one horseman who was pursued and was obliged to flee. The horse could not, however, cross the ditch and fell in it along with its rider who was killed by the Muslim soldiers. He was a senior officer of the enemy which requested for the dead body in lieu of a ransom of a hundred camels. The Prophet (peace be upon him) declined to accept the ransom and returned the dead body without any bargain.

For several weeks the battle raged. The Quraysh exhausted all their provisions. They asked Khaybar for help but the Muslims intercepted and prevented provisions from reaching the enemy. The Quraysh decided in desperation to lift the siege of Madinah. Our historians usually attribute this decision to bad weather. Indeed it was very cold and the storm was so severe that tents of the Quraysh army collapsed. Abū Sufyān decided under the circumstances to return.

But there was another reason. The battle took place in the month of Shawwāl. According to an established pre-Islamic Arab custom it was forbidden to fight during the months of Dhū al-Qa‘dāh, Dhū Ḥijjah, Muhḥrram and Rajab. Abū Sufyān took the decision to retreat on the last day of the month of Shawwāl. Had he continued to fight, the people of Makkah would have been deprived of the economic benefits which accrued to them from pilgrims during the months of *Ḥajj*. Besides the superstition about the forbidden months must have also contributed considerably to the decision.

In any case, the Quraysh hit upon another plan, presumably at the suggestion of the Jews of Khaybar. Seeing that the twelve thousand strong Quraysh force had failed to score a victory despite a month's protracted warfare, the leader of Khaybar Jews surreptitiously visited Madinah to survey the scene. The Jewish tribe of Banū Qurayẓah was still settled in Madinah and enjoyed the confidence of Muslims. The leader of Banū Naḍīr from Khaybar established contacts with the leader of Banū Qurayẓah in Madinah and prevailed upon him to attack Muslims from the rear at a time when the Quraysh fought them from the front. Being sandwiched between two enemies, the Muslims would be defeated.

The Prophet (peace be upon him) got wind of the conspiracy and tried to neutralize the enemy plan through his military and political insight. He selected a person who was well-known as a pagan although he was a recent convert to Islam. He entrusted him with a political mission. The envoy went to Banū Qurayẓah in the first instance and asked them to make sure that the Quraysh did not abandon them after the war was over for the Jews would then remain alone in Madinah and would not be able on their own to resist the Muslims. He advised them to ask the Quraysh for hostages so that they would be sure that the Quraysh would not betray them at the last moment. The envoy then went to the Quraysh camp where he was known as being one of them. He told them of a conspiracy between Muslims and the Banū Qurayẓah. The idea was, he divulged, that the Jews should get hold of a few Quraysh leaders and hand them over to the Prophet (peace be upon him). A man from the Quraysh camp went running to the Prophet (peace be upon him) and gave him a report of the conversation. The Prophet (peace be upon him) made an ambivalent response: "Perhaps we ordered him to do so." An enemy spy who was present on this occasion went post hate to the Quraysh to submit a report to Abū Sufyān.

When the delegation of the Quraysh waited on the leaders of Banū Qurayẓah the latter presented two demands. The first was that the Quraysh should provide hostages and the second·was that the battle should not take place on Saturday, the Jewish Sabbath. This, then, was the end of the Quraysh alliance with Banū Qurayẓah. The military attack which was to take place from the north and south of Madinah on the last day of Shawwāl was prevented through political means. The Quraysh and their allies returned from Madinah without scoring any success. The Prophet (peace be upon him) pronounced that it was the last offensive of the Quraysh and that the initiative had now passed on to the Muslims who would henceforth choose their own time and place of attack.

The Makkans had attacked Madinah for the third time at the instigation of Jews and others after having initially suffered two defeats. They could not score a success in the Battle of the Ditch and had to lift siege and return home. It is clearly stated in the traditions that the Prophet (peace be upon him) had said that the enemy had lost the initiative which would now be wielded by the Muslims. The Makkans, he thought, would not dare attack Madinah.

PILGRIMAGE TO MAKKAH

The period of peace now available to the Prophet (peace be upon him) was devoted to projects which were not directly connected with military strategy but had their effect on it. Famine appeared at this time in Makkah and hit its people most adversely. Since the city had no agriculture it had to import food from outside but the places which provided grain to Makkah were also affected by famine.

An event took place at about this time which, even though it seemed insignificant, had a far-reaching impact from the military point of view. Najd was the only area of Arabia which had escaped famine and was in a position to export grain to Makkah.

One day a military patrol arrested a person whose movements were considered suspicious and he was brought to Madinah. The Prophet (peace be upon him) personally knew him. He was a very important leader of Najd, a man called Thumāmah ibn A'thal. He had once visited Makkah before the migration. The Prophet (peace be upon him) as usual had preached Islam to him but he threatened to kill him instead. The same person now appeared as a prisoner before him. The Prophet asked whether time was not ripe to renounce idolatry and submit to God. He replied: "O Muḥammad! If you need ransom money I am willing to pay the amount you demand. I am a rich man. If you want to kill me I am 'a man of blood'".

This was an ambiguous Arabic expression which could mean that his hands were tainted with blood and that he deserved being eliminated on that score. He had possibly killed some Muslim. The conversation ended at that but the Prophet (peace be upon him) ordered that he should be tied to a pillar in the mosque so that he could witness the daily life of a common Muslim. He was well fed. His food was equal to that of ten men. He was untied to answer the calls of nature after which he was tied again to the same pillar. The Prophet (peace be upon him) passed by him for every prayer and invited him every time to accept Islam. His answer was the same: "I am willing to pay as much ransom as you demand and I am a 'man of blood' in case you wish to kill me." The Prophet (peace be upon him) must have heard this reply scores of times. At last he offered to release him without any payment of ransom.

This was an entirely unexpected decision. The prisoner was plainly pleased. He was deeply affected by the magnanimous gesture. He got out of the mosque, went to a well near-by, had a bath and returned to the mosque. Presenting himself to the Prophet he proclaimed: "I bear witness that there is no god but Allah and I bear witness that Muḥammad is His Messenger." To this he added a sentence: "A few moments ago you were for me the most hated man in the world, but now you are the man I love most in this world."

In the conversation that followed he offered to cut off the supply of food from Najd to Makkah and pledged that not a grain would be exported without the express approval of the Prophet (peace be upon him). This worsened the serious food situation of the city of Makkah. The Makkans were obliged at last to send a delegation to Madinah and beseech the Prophet (peace be upon him) to have mercy on his compatriots who were starving to death. The Prophet (peace be upon him) at once sent a letter to Thumāmah ibn Atha'l asking him to lift the blockade. Not only that. He sent to Abū Sufyān five hundred gold sovereigns, a substantial sum in those days, for distribution to the poor and the needy in Makkah.

Abū Sufyān fretted and fumed. History has recorded his response: "Muḥammad wants to mislead our young men." In any case he was in no position to return the sum. Later, other events of a similar nature took place. Their collective effect was that the people of Makkah, instead of looking upon the Prophet (peace be upon him) as their enemy, began to feel proud of him for they saw in him a brother citizen who was daily becoming more powerful. They did not have the courage to express the sentiment but they began naturally to feel inclined towards Islam. Under the circumstances little possibility was left of stiff resistance in the event of a Muslim attack on Makkah. Why would they resist a man who helped them in the hour of their need?

Contrary to his usual practice to keep his movements secret, the Prophet publicly declared that he was proceeding to Makkah for *'umrah*, the minor pilgrimage. He received advice *en route* that Aḥābīsh, who were allied to the Quraysh, were proceeding to Makkah to help repel an attack in case the Muslims planned to mount one. The Prophet (peace be upon him) summoned his military consultative committee. Would it not be right to pre-empt their attack and destroy the tribe before it could help the enemy? Abū Bakr advised against war because the Prophet (peace be upon him) had already declared that he were proceeding to perform a pilgrimage. The Prophet (peace be upon him) accepted the advice and proceeded towards Makkah.

A description of the geography of Makkah will help understand the situation. For a short distance from Jeddah there are open plains which give way to high hills, narrow passes and passages between the hills. The place where the natural obstacles start was called Ḥudaybiyah. Having reached there the Prophet (peace be upon him) despatched an ambassador to Makkah to assure the people of his peaceful intentions which was none other than the performance of the pilgrimage — a visit to the Ka'bah. Until then the Ka'bah was the centre of idolatry.

Initially the Prophet (peace be upon him) had wanted to send 'Umar as his envoy because he was incharge of foreign affairs of Makkah before his conversion to Islam. The Prophet (peace be upon him) had wanted to confirm the Makkan ministers who had embraced Islam in their original positions. From this point of view 'Umar was the Foreign Minister of the Islamic state. The Prophet wanted to send his Foreign Minister to Makkah as his envoy to negotiate with the authorities. But 'Umar pertinently pointed out that the Makkans were his mortal foes and there was every possibility that they would assassinate him for he had been their inveterate enemy ever since his conversion to Islam. He suggested that 'Uthmān should be sent instead because the Banū Umayyah were still in Makkah and could be expected to treat him with relative lenience.

The suggestion appealed to the Prophet (peace be upon him). ‘Uthmān was sent to Makkah as an envoy. He was taken prisoner and a rumour spread that he had been killed. On receipt of the news the Prophet (peace be upon him) felt obliged to prepare for war and told his followers that even though they had come originally to perform the pilgrimage, the assassination of the envoy had changed the situation. A war had become necessary in order to avenge themselves. He demanded a pledge from his followers to fight to the last man. The tree under which the Prophet (peace be upon him) received the pledge of fealty became so important that it is mentioned in the Qur’ān : "When they were swearing allegiance to you under the tree . . ." (48:18).

THE TREATY OF HUDAYBIYAH

The Prophet (peace be upon him) received the pledge of fealty from all the Muslims in his camp. They pledged that they would fight the enemy to the finish. The people of Makkah became nervous when they received the news. They despatched an envoy who was not a citizen of Makkah but belonged to a tribe allied to it. Though a barbarian bedouin, he was an intelligent man. The Prophet (peace be upon him) asked his soldiers to show him the animals which the Muslims had brought along to sacrifice. The idea was that he should know that they had no intention to fight for they had come only for pilgrimage.

The sacrificial animals in those days were marked conspicuously by many means e.g. a string of shoes was placed around their necks, their ears were slit so that they kept bleeding. The Muslims had also adopted this custom. When the envoy saw such animals he returned without further negotiations and advised the Makkans against fighting, for Muslims, he was convinced, had come only for *‘umrah*, the lesser pilgrimage. In the event of his advice being rejected he threatened to leave. The threat had an effect.

The Makkans at last sent another envoy who was a brother-in-law of the Prophet (peace be upon him). This was Suhayl ibn ‘Amr who was the first cousin of Sawdah, one of the Prophet’s wives. He was a sober and wise man. He succeeded in negotiating a peace treaty which was apparently unfavourable to the Muslims. There was a clause for example which stipulated a state of peace for the next ten years. During this period a Muslim of Madinah, were he to desert the city and seek refuge in Makkah, was not to be returned to the custody of Muslims. On the contrary, the Muslims of Madinah were obliged to return a citizen of Makkah seeking protection with the Prophet (peace be upon him).

There were some similar provisions which were apparently humiliating and seemed to be disadvantageous for the Muslims. But the Prophet (peace be upon him) accepted them. He said that he had come with peaceful intentions and was willing to concede all the demands of the Makkans. The famous jurist Sarakhsī mentions a significant point which we have not come across in other works dealing with the life and times of the Prophet (peace be upon him). He points out that Khaybar is situated in the north of Madinah while Makkah is situated in the south. Madinah was thus sandwiched between two enemies. Both Khaybar and Makkah were in a state of war with Muslims. Both were allies. They were obliged to help each other in case Muslims waged a war on either. The other party was bound to invade Madinah in that event. If the Prophet (peace be upon him) advanced towards Khaybar the Makkans would proceed to Madinah. If the Prophet (peace be upon him) advances towards Makkah, the people of Madinah would be vulnerable to attack form Khaybar.

Under the circumstances a clever commander and an able politician would take the only sensible decision to make peace with one of the parties and neutralize the other. It would be easy then to deal with the threat effectively. This was the compulsion to agree generously to the conditions which appeared as if they had been imposed. The crucial decision was the selection of the party with which peace had to be made. Was it to be Khaybar or Makkah? Khaybar was out of the question. The Jews of Banū Naḍīr had been expelled from Madinah. Their first demand would be to be allowed to return to the city. They were rich. Financial compensation would have no attraction for them.

The Makkans, on the other hand, were near relatives of the Prophet (peace be upon him) and the other Emigrants who had migrated to Madinah were their brothers, uncles, nephews etc. It was more appropriate to rescue these relatives instead of attacking them while leaving alone the Jews. Besides the Makkans had been weakened by the three defeats they had already suffered at the battles of Badr, Uḥud and Khandaq (Ditch). Their economic condition had deteriorated. Trade had suffered.

They could, therefore, be persuaded more easily to seek peace with Muslims. For various reasons the people of Makkah were sincerely ready to have peaceful relations with Muslims. The Prophet (peace be upon him) had attempted to win over their hearts during the famine. Except for one provision which was aimed at establishing their dignity and honour, the Muslims accepted all other provisions of the treaty at Ḥudaybiyah. There is one clause written in half a line: "*Lā islāḥ wa lā ighlāl*". This was a crucial clause. Literally, it means that the arm would not be taken out of the scabbard nor would treachery come into play. The people of Makkah and the Muslims pledged that they would not attack and fight each other nor would they flout or betray the treaty through subterfuge or covert treachery and conspiracy. In other words, the Makkans undertook to remain neutral in the event of a Muslim conflict with a third party. There would be no betrayal or treachery.

The Prophet (peace be upon him) prevailed upon the Makkans to accept this lone provision of his and in return he generously gave in to all the other conditions advanced by the Makkans. He agreed to a period of peace for ten years. He allowed transit facilities to the Makkan trade caravans through Madinah. In return, he demanded their neutrality in the event of a future Muslim war against a third party. Instead of proceeding to Makkah he ordered his crestfallen followers to be content with their pilgrimage to Ḥudaybiyah. They were deeply disappointed but they carried out his command.

Within a fortnight of their return to Madinah the Muslims attacked Khaybar and conquered it. One of the two enemies was thus vanquished. The Muslim force comprised 1400 men while the enemy had a formidable force of 20,000 soldiers. This ended for ever the danger from Khaybar.

TREACHEROUS VIOLATION OF THE TREATY

It was agreed with the Makkans at Ḥudaybiyah that in addition to the two contracting parties other tribes could subscribe to the treaty. Aḥābish, a tribe which was allied to Makkah, acceded to the treaty on the same conditions as the Makkans. The tribe of Khuzā'ah also signed as an ally of the Prophet (peace be upon him). There was no love lost between the two tribes.

There was no incident in the beginning but after sometime an altercation took place between the two. Someone from the tribe of Aḥabīsh used exceptionable language against the Prophet with the result that a member of Khuzā'ah was provoked into killing the insolent man. The other tribe retaliated and killed two or three men. The incident would have remained of a local nature had another event not taken place. The Makkans received news of the conflict between the two tribes. They proceeded *in cognito* to attack the Banū Khuzā'ah who informed Madinah that they were treacherously attacked while they were in a state of prostration during the prayers. This treacherous violation of the treaty released Muslims of their obligation to keep peace. They were now free to attack Makkah but the Prophet did not want war. He persuaded the delegation of Khuzā'ah to return home on the assurance that clouds would soon disappear and they would triumph. They gladly went back in the belief that the Muslims would soon attack Makkah.

CONQUEST OF MAKKAH

The Prophet (peace be upon him) blockaded the gateways to Madinah and posted armed men to ensure that no one entered or left the city for there was a danger of leakage of news about preparations that were being made. He told the people of an important impending expedition without giving any details and asked them to prepare for it. The nature of secrecy can be judged from the fact that even Abū Bakr was unaware of the destination. He asked his daughter, 'Ā'ishah, a wife of the Prophet (peace be upon him), but even she did not know the time and date of departure of the expedition nor was she aware of its destination. The Prophet (peace be upon him) came home while the conversation between the daughter and the father was taking place. He confided to Abū Bakr that he was preparing to proceed to Makkah, and asked him to keep the secret to himself. He then adopted a measure whose importance and implications can be analysed by military experts alone.

The Muslims had many tribes as their allies. At the time of war every ally used to contribute a contingent of volunteers who came first to Madinah and then proceeded along with others, resident and non-resident soldiers, to the point of destination. The practice was not followed in the case in question. Leaders of the allied tribes were secretly sent for. They were received separately by the Prophet (peace be upon him)who told them of the impending expedition without disclosing the direction it was planned to take. They were asked to be ready to proceed at a moment's notice without having to come to Madinah. They were told that the Muslim army would pass through their territory where they could join the main force.

A large number of people made the necessary preparations but nobody knew where the Prophet (peace be upon him) was proceeding. A very eminent Companion, Ḥudhayfah ibn al-Yamān, is quoted in the *Ṣaḥīḥ* of Bukhārī as saying that the Prophet (peace be upon him), instead of proceeding south towards Makkah, took to the north, creating the impression that a war with Byzantine was imminent. He then proceeded north-east and turned south-east travelling in a zigzag manner with the result that nobody knew about his plans. The Companion states that until the expedition approached the hills of Makkah, the last halt, he did not know exactly where they were going. A force of ten thousand men, an impressive number by contemporary standards, could not have remained hidden from the public eye. But the Muslim attack came as a complete surprise to the people of Makkah.

The usual practice of cooking in a collective kitchen was given up on the eve of the attack. Soldiers were asked to cook their food individually with the result that ten thousand fires could be seen from a distance. Abū Sufyān, the ruler of Makkah, surveyed the scene from the top of a hill and came to the conclusion that an army of fifty thousand men was poised to attack Makkah. He came down the hill with the intention of continuing the surveillance but fell a prey to a forward Muslim patrol which had already reached the area. He was the sovereign and supreme commander of the city. The people of Makkah knew nothing about his arrest. He was produced before the Prophet (peace be upon him) who ordered safe custody and proper treatment of the prisoner.

The next morning the Prophet (peace be upon him) entered Makkah at the head of a formidable force. The people of Makkah were completely unaware of the move. Their leader was not in the city. The Prophet (peace be upon him) ordered a soldier to keep standing with Abū Sufyān at a particular place where he could see the Muslim army. Ten thousand soldiers passed by him. He was given details of the composition of every contingent led by a tribal leader. At last appeared the Prophet (peace be upon him). ‘Abbās pointed him out to Abū Sufyān who said: "Your nephew has indeed become a king. So great is his might that even the Caesar of Rome is afraid of him." As the Prophet (peace be upon him) passed by Abū Sufyān he ordered his release. He responded to the gesture of the Prophet (peace be upon him) and proclaimed at the top of his voice that laying down of arms meant peace. He advised his people to remain indoors and not to come out in the streets. Those who proceeded to the courtyard of the Ka‘bah would be safe, he proclaimed, and those who sought protection in his own house would be safe. The people must have thought that Abū Sufyān had become a Muslim. When he entered his own house he told his wife, who had waited for him the whole night, that

Muḥammad had entered Makkah at the head of 10,000 strong force and it was futile to offer resistance. She held the husband by his beard and slapped his face and accused him of cowardice.

After his triumphal entry into the city the Prophet (peace be upon him) summoned the people of Makkah to a meeting in the courtyard of the Ka'bah. The vanquished populace apprehended disaster. It was probably time for the afternoon prayers. The Prophet (peace be upon him) asked Bilāl to recite the *adhān*. He went up the roof of the Ka'bah and proclaimed: 'I bear witness that there is no god except Allah and that Muḥammad is His Messenger." Among the audience were many unbelievers. One of them Utāb ibn Usayd, was a notorious enemy of Islam. He whispered to the man sitting next to him: "Thank God my father is dead. He could not have tolerated a black donkey braying on top of the God's House."

After the prayer, the Prophet (peace be upon him) addressed the people and asked: "What do you expect of me?" They recalled twenty years of persecution, tyranny and torture and hung their heads in sheer shame. All that they could say in reply was: "You are a noble man, the son of a noble man", implying that they expected of him treatment worthy of a noble man. The response of the Prophet (peace be upon him) has no parallel in history. It is absolutely unique and unprecedented. The Prophet (peace be upon him) proclaimed: "You are free to go. You will not be taken to task." He could have ordered a general massacre and he would have been right. He could have enslaved the entire populace of the city, and he would have been right. He could have ordered a general loot, something common after a conquest, and he would have been within his rights. But he did not do any of these things. He pardoned them all without any reservation. He told them that they bore no responsibility, no stigma for the past which was forgotten and forgiven.

Utāb ibn Usayd who had complained of the braying of a black donkey jumped in his place, identified himself and announced his conversion to Islam. The Prophet (peac be upon him) accepted it with a glad heart and named him governor of Makkah. The conqueror returned to Madinah without leaving any garrison behind. He did not live to regret the decision. Overnight the entire city embraced Islam. Two years later when a war of apostasy broke out in Madinah, the people of Makkah remained loyal and steadfast and a source of great strength to Islam.

Let us conclude with the conversion of Abū Sufyān's wife to Islam. Her name was Hind. Her son, brother and uncle were killed during the Battle of Badr. She took her revenge in the Battle of Uḥud. She it was who slit open the stomach of Ḥamzah, the uncle of the Prophet (peace be upon him), and chewed his liver. A strange scene was witnessed in her house at the Muslim conquest of Makkah. With a staff in her hand she broke the various idols into pieces. "You have been deceiving us so far", she charged, "now at last we know that you have no power."

She was afraid that the Prophet (peace be upon him) would punish her severely for the barbarian treatment she had accorded to the body of a martyr who was none else than his own uncle. She went *in cognito* to the Prophet with a group of women to announce her conversion to Islam. Her face was covered and she took a collective oath of allegiance along with other women. The Prophet (peace be upon him) asked them all to promise that they would worship only one God and not associate idols with Him. Hind responded aloud: "We have been deluded so far. Now we are one convinced that the idols have no power nor prestige." The Prophet (peace be upon him) then said that women should not indulge in immoral acts. At this Hind intervened with much vanity and pride, asking whether a noble woman could ever think of doing so. The Prophet (peace be upon him) addressing the group of women told them to desist in future from burying alive their new born babies. At this Hind burst out: "O Messenger of Allah! The children which we bore and brought up were killed by you!" The Prophet (peace be upon him) smiled and asked about the identity of the woman.

Thus ended the scene of Hind's conversion. The Prophet's conduct in the conquest of Makkah proves that the effect created by the right step taken at the right psychological moment is far more enduring than untimely sternness or undue lenience. He advanced his army to its destination with such caution and dexterity that the enemy remained in the dark until the last moment and the city was taken without shedding a drop of blood.

OTHER ASPECTS OF WAR

There are other aspects of war to which we should briefly refer. From the very beginning women were entrusted with the task of nursing, cooking, and burying the dead. Young girls and sometime very young girls, who had not yet attained maturity, participated in the war effort. The early Muslims did not think of a standing army as such. The Prophet (peace be upon him) proclaimed that *jihād* was the duty of every Muslim. Adults of the entire country thus became the potential army of Islam. One could recruit as many of them as was required by the exigency of a situation. But arrangements were made to impart military training to men during peace time. Races of horses, camels, donkeys and men were organized. Wrestling matches were held. Training in archery was imparted. Prizes were awarded to various winners in all events. The army remained in a state of readiness during peace time. Its efficiency and effectiveness was determined by the depth of its faith. A small number always outwitted and outmanoeuored a much larger enemy. Muslims never felt hampered by smaller numbers but fought with all their heart and God blessed them with victory.

During a battle a commander needs numerous qualities of leadership. No detail is too trivial to ignore. The Prophet (peace be upon him) always took care, for example, to ensure that the morning sun did not face the soldiers directly when the attack was to be launched at dawn. The sun should shine at the back so that the enemy had the disadvantage of facing it. The Prophet (peace be upon him) was also deeply interested in metrology. He took good care to ensure that the direction of the wind was favourable and caused no impediment to the speed of the soldiers. They should not have to go against the wind.

We come across many such details in *Ḥadīth* and *Sīrah* literature. It is not without good reason that the Prophet (peace be upon him) is reported to have said: "I am the Messenger of mercy as well as war." His purpose was neither to shed blood nor to destroy the enemy. All that he sought was to achieve the objectives set for him by God Almighty.

* * *

NINE

EDUCATIONAL SYSTEM

The first Divine command to the unlettered Prophet (peace be upon him) was:

> Read in the name of your Lord Who created; created man from a clot of blood. Read! And your Lord is Most Generous Who taught man by the pen; taught man what he did not know (96:1-5).

For twenty-three years after the first revelation, scores of verses in the Qur'ān stressed the importance and significance of learning. On the one hand it was said: "Of the knowledge [of the soul] you have been given but little" (17:85); and on the other it was emphasised: "O my Lord, increase me in knowledge" (20:114). There is also the well-known proverb: "Acquire knowledge from the cradle to the grave." There is also the inspiring tradition of the Prophet: "Seek knowledge even though it be in China" — the farthest country in the east. The idea is to demolish barriers of distance in pursuit of knowledge.

It is difficult to determine the educational measures taken by the Prophet (peace be upon him) in Makkah before migration to Madinah. It is not known whether he founded a school and appointed regular teachers. Probably no such arrangements were made except to learn the Qur'ān from authoritative teachers. It is worth mentioning, however, that Arabic was a spoken language for a long time. It was not a written language. It began to be written in Makkah in the days of Ḥarb, the father of Abū Sufyān. The Prophet (peace be upon him) was a young man at this time. His senior compatriots in Makkah saw written Arabic for the first time in their life.

The reason for the introduction of written Arabic has been given by historians. It is stated that a resident of Ḥīrah in Iraq came to Makkah where he married a daughter of Ḥarb. As a mark of gratitude he disclosed the secret to Ḥarb that important facts which one tended to forget could be recorded in writing and he suggested that he should learn to do so. We get this version in various reputed works such as *Kitāb al-Kharāj* of Qudāmah ibn Ja'far and *Futūḥ al-Buldān* of al-Balādhurī. Thus reading and writing was introduced in Makkah a little before the Prophetic period. Balādhurī insists that there were no more than seventeen literate persons at the beginning of the Prophetic mission. It is possibly an exaggeration, or the statement relates to a specific period after which the situation of literacy improved. However, it is significant that even some women knew the art of reading and writing before the dawn of Islam. Shafād, daughter of ‘Abd Allāh, a relative of ‘Umar, for example, was a literate woman. It was due to this qualification that she was later entrusted with a commercial office in Madinah. According to Ibn Ḥajar, she was given an assignment in a bazar of Madinah. It was possibly the supervision of trading commodities brought to the market by women.

In any case, it is an established fact that the tradition of literacy was very recent at the beginning of the Prophetic period and had not made much progress. The Qur’ān can be said to be the first written book in Arabic. No book was written before it. Only a few items like *Saba‘ Mu‘allaqāt* were hung in the Ka‘bah as a mark of respect. Some treaties were possibly reduced to writing. Ibn al-Nadīm has recorded in *al-Fihrist* that there was a manuscript — a piece of paper — in the treasury of Caliph al-Ma’mūn which was written in a bad hand resembling the hand writing of women. It was said to be a letter of ‘Abd al- Muṭṭalib.

INTRODUCTION OF WRITTEN ARABIC

It is clear from this evidence that writing was a new art and had not yet made much progress. Perhaps one of the reasons was that the visitor from Ḥīrah had taught the script in vogue in his own country whose alphabet comprised twenty-four letters while Arabic had twenty-eight. The Ḥīrah script was obviously inadequate. The only way to distinguish between different Arabic letters was the use of dot. According to Khaṭīb al-Baghdādī, the Prophet (peace be upon him) took the necessary steps to remove the deficiency. It is related that one day Caliph Mu‘āwiyah sent for a scribe called ‘Ubayd al-Ghassānī and asked him to take down a dictation and *raqsh* it. What is *raqsh*? asked the scribe. The Caliph smiled and said that the Prophet (peace be upon him) had summoned him once in his capacity as a scribe and had asked him to take down dictation and *raqsh* it. When asked what *raqsh* was all about, he said that it was the process of dotting the letters where necessary.

It seems, therefore, that the process of dotting began in the period of the Prophet (peace be upon him), but the authorities on Arabic script do not mention it. Fresh evidence has since become available. An inscription has been discovered in the environs of Ṭā'if. It belongs to a reservoir built around 50 AH by the governor of Ṭā'if during the caliphate of Mu'āwiyah. A few letters in this inscription bear dots.

This is relatively an old discovery. New evidence which is even more conclusive has since become available. Some parchments have been found in Egypt. The writings on them include two letters of 'Umar written in 22 AH during his Caliphate. They have dots. It seems, therefore, that the practice of dotting letters had already become fairly common during the regime of 'Umar. It seems incorrect to suggest that the practice began in the reign of Ḥajjāj ibn Yūsuf or even later.

Thus a basic reform in the script by way of dottng letters was introduced. There are also other aspects of writing which need to be taken note of. For example, a tradition (not contained in the collection of Bukhārī or Muslim) has been attributed to the Prophet (peace be upon him), suggesting that a letter should not be folded immediately after writing but should be dried with sand and then enveloped. This is a sensible suggestion which must have been based on the Prophet's own observation. It happens sometimes that ink does not dry immediately with the result that the writing becomes blurred and illegible. A more interesting suggestion is contained in a tradition recorded by Ibn al-Athīr. The Prophet (peace be upon him) is quoted as having said that the letter *Sīn* should be written with a crest rather than with a straight seam or else it could cause misunderstanding. There are other traditions in connection with the script. A Turkish scholar has collected forty of them.

The Prophet (peace be upon him) founded the school of *al-Ṣuffah* in Madinah. Teachers were appointed there and in other schools to teach reading and writing to their pupils who were trained in calligraphy. During the period of the Prophet's life in Makkah, we come across a few instances of written documents. The first is the well-known document which was hung in the Ka'bah. It announced the boycott of the Prophet (peace be upon him) and his family by the people of Makkah. No one could marry their daughters nor could they give theirs in marriage to the Prophet (peace be upon him) and his relatives. Sale of all commodities was forbidden. Even conversation was not allowed. People were expected to religiously carry out the provisions of the boycott. It was further elaborated that in addition to the people of Makkah the tribe of Kanānah had also acceded to the treaty. The alliance later came to naught because the document was devoured by termites.

The second instance of a document concerns Tamīm al-Dārī, a Palestinian who became a Muslim before the migration to Madinah. He requested the Prophet (peace be upon him) to gift him certain villages in Syria and give him a deed of allotment. The Prophet (peace be upon him) gave him the letter of authority. It is difficult to say whether the document is genuine or it was fabricated by the descendants of Tamīm al-Dārī. Two entirely different texts of the same letter have been found in the original sources. In any case, the document is also mentioned in Abū Yūsuf's *Kitāb al-Kharāj*, and provides the second oldest example of a written document.

There is yet another document which belongs to the early period of Islam. It is the guarantee of peaceful passage by the Prophet (peace be upon him) to Surāqah ibn Mālik who tried to capture him during his journey from Makkah to Madinah. It was dictated to 'Āmir ibn Fahīrah, a slave of Abū Bakr, who accompanied the Prophet (peace be upon him) in the journey. The incident highlights the fact that the Prophet (peace be upon him) carried a pen, an ink pot and paper along with other provisions necessary for a journey.

FIRST RESIDENTIAL UNIVERSITY

The Prophet (peace be upon him) was particularly conscious of the importance of literacy. His first act immediately after arrival in Madinah was to construct a mosque. When he reached Qubā in the territory of the tribe of Aws, he built a mosque. When he left Qubā and entered the territory of Najjār — a branch of Khazraj, the old mosque was expanded. It had residential quarters for the Prophet (peace be upon him). A part of the mosque was reserved for educational purposes. The place was called *al-ṣuffah*, which means dais or platform. It functioned as a school by day and a hostel by night for students who had no place else to go.

This, then, was the first residential university of Islam. Residential facilities were subsidized by the state as well as private individuals. Everyone of the *Anṣār*, for example, contributed a bunch of dates when the crop was ready. It was hung in *al-ṣuffah*, in a high place. When a date ripened and fell down, the poor students living in *al-ṣuffah* used to eat it. A person was appointed to keep guard on the bunches. Mu'ādh ibn Jabal, an eminent Companion, for example, was assigned this duty when he came to live in *al-ṣuffah*. He had gone bankrupt on account of his extreme generosity and had to sell even his house to pay off his debts.

There were two kinds of students in *al-ṣuffah*. There were those who were day scholars, and there were those who were obliged to stay there because they had no other shelter. Their number fluctuated. Among such students we come across ʻAbd Allāh ibn ʻUmar, the son of the famous Caliph ʻUmar. They depended for their living partly on public gifts which came from the Prophet's household and the families of the Companions. We learn that eighty resident scholars of *al-ṣuffah* were invited to dinner by Saʻd ibn ʻUbādah. This gives us some idea of the number of resident scholars and the nature of their board and lodging. Aid was also provided by the Prophet (peace be upon him) from the state treasury. But students were no parasites. They worked besides studying. The idea was to earn and learn rather than to collect money. Once a student of *al-ṣuffah* died. On being given the ritual bath it was discovered that he had two sovereigns on him. The Prophet (peace be upon him) was angry for he thought that a person with such a substantial saving had no right to subsist on charity.

The education imparted in *al-ṣuffah* was of an elementary nature. It dealt with the primary aspects of Islam. Different branches were entrusted to different teachers. Some were responsible for teaching students to read and write. Those who had learnt to read and write were asked to teach others the verses of the Qur'ān which had been revealed until then. Some were possibly asked to elaborate on problems of jurisprudence, the *Sunnah* of the Prophet (peace be upon him), prayers and other acts of worship, etc. Special arrangements were made to teach non-resident converts to Islam, who came from time to time to Madinah, about their new faith. A tradition is related about the people of ʻAbd Qays who visited Madinah. The Prophet (peace be upon him) entrusted them to the care of the *Anṣār* and asked them to extend their hospitality. Asked about the treatment accorded to them by the hosts, the guests gratefully acknowledged that they were given soft bread to eat, and soft beds to sleep in, and that they were taught verses of the Qur'ān, modes of prayer and the *Sunnah* of the Prophet (peace be upon him). This was possible because various branches of knowledge were taught at *al-ṣuffah*. The Prophet (peace be upon him) himself gave a lecture or two despite his heavy preoccupation. Whenever possible he made it a point to teach in *al-ṣuffah* and many busy people attended those lessons. There is an interesting tradition on this subject. The Prophet (peace be upon him) came to the mosque one day from his private quarters. He saw two groups of people there. One was busy with rosaries and the other in learning. The Prophet (peace be upon him) commented that even though both were engaged in good acts but the group which was busy in learning was better. Having said this he joined the group.

MOSQUE AS A SCHOOL

Soon after the founding of *al-ṣuffah* other schools were established. Balādhurī has stated that there were nine mosques in Madinah during the days of the Prophet (peace be upon him). The Prophet (peace be upon him) ordered that people should learn in their local mosques from their neighbours and not go to the central mosque where he presumably feared the number of students would swell. That would adversely affect everyone's education and children would be deprived of a chance to learn because of the inadequate number of teachers. Transport and communications was perhaps another problem. The Prophet (peace be upon him) also sent teachers outside Madinah presumably to areas where people were increasingly accepting Islam and demanded instruction in their new faith. A similar case can be traced to the period before Migration. When some people of Madinah embraced Islam and took the oath of allegiance at al-'Aqabah they requested for a teacher. Muṣ'ab ibn 'Umayr was sent to Madinah for this purpose. The Prophet (peace be upon him) is also reported to have given the new converts at al-'Aqabah a copy of the Qur'ān as it had been revealed until that time. They used to recite it aloud in their local mosque. Historians add that the practice of reciting the Qur'ān aloud was started for the first time in Madinah by the Anṣār belonging to the tribe of Banū Zarīq.

The importance of learning was emphasised on the one hand, and incentives to acquire knowledge were provided on the other. Administrative arrangements were made to facilitate the acquisition of knowledge. It will be recalled that many unbelievers were taken prisoner during the Battle of Badr. The Prophet (peace be upon him) did not demand ransom from the literate prisoners. Each one of them was asked instead to teach reading and writing to ten Muslim children.

This was indeed an inspiring example in the field of education. A scholar of Prophetic traditions has cited this event under the title "Permission for a non-believer to teach [i.e. believers]." The prisoners of war from Makkah were unbelievers and they were entrusted with the education of Muslim children. This proves that it is permissible to obtain knowledge from non-Muslims and under the law of Islam nothing prevents Muslims from doing so. Similarly we need to draw the right conclusion from another example. According to Ṭabarī, one of the duties of Mu'ādh ibn Jabal, the governor-designate of Yemen, was to make arrangements for education in various districts which he was directed to visit personally for the purpose. A similar directive given to 'Amr ibn Ḥazm at the time of his appointment as governor of Yemen has been preserved as a historical record. This task was included in the duties of a governor who was responsible for providing suitable educational facilities to people in his jurisdiction. Obviously, such education would be Islamic and it would be provided only to Muslims.

The non-Muslims, according to the Qur'ān, were given complete religious freedom. Like other matters they were free to determine and cater for their own religious requirements. Under the circumstances it is not stated explicitly whether the State would make arrangements for the education of non-Muslims. There was nothing to prevent it from doing so but since non-Muslims enjoyed complete autonomy under the system established by the Prophet (peace be upon him), they could better cater to their educational requirements on their own. A Christian student could find in school a Muslim scholar who could teach the Qur'ān but he would not find a suitable person to teach the Bible to him. It was, therefore, in the interest of non-Muslims to have separate schools of their own where they could receive education in their religion from their own teachers.

It is pertinent to point out in this connection that Jews used occasionally to see the Prophet (peace be upon him) and dabble in debates with him on religious issues. Some of the results of such a pursuit were indeed useful. The Jews, for example, once brought a young couple to the Prophet (peace be upon him) and stated that they had seen them indulge in adultery and that they should be suitably punished. The Prophet (peace be upon him), instead of applying the Islamic law or using his own discretion, asked the Jews about the laws prescribed in the Torah for the crime alleged to have been committed. They came out with an untruth and stated that the Torah laid down that their faces should be blackened, and should be made to ride a donkey, face backwards and then be taken round the city to publicise their crime. The Prophet (peace be upon him) expressed the view that the Torah prescribed a different penalty and asked for the Book. When it was produced, the prescribed punishment was found to be stoning to death. They were thus sentenced to death according to the Jewish law.

In the interview with the Prophet (peace be upon him) the Torah was first read by a Jew who omitted the relevant verse which prescribed the punishment of stoning by death. ‘Abd Allāh ibn Salām, a Jew who had been newly converted to Islam, drew the attention of the Prophet (peace be upon him) to the omission. The result was that the Prophet (peace be upon him) asked Zayd ibn Thābit, his special secretary who recorded the revelation, to learn Hebrew so that he could assist him in his correspondence with the Jews. In other words, the Prophet (peace be upon him) paid attention to the need of learning and teaching foreign languages.

Both political and academic advantages could accrue from such a training. As regards academic advantages, a small incident would illustrate it. ‘Abd Allāh ibn ‘Amr ibn al-‘Ā’ṣ, who embraced Islam before his father did so, was an extremely intelligent, religious and pious young man. He used to remain awake all night to pray and was determined to fast every day. Once he told the Prophet (peace be upon him) of a dream in which he saw himself sucking two fingers. One had honey and the other had butter on it. The Prophet (peace be upon him) said that he would avail himself both of the Qur’ān and the Torah. This happened. He used to recite the Qur’ān and the Torah on alternate days.

In other words, a beginning had been made in the direction of learning foreign language. Zayd ibn Thābit knew a number of them. Besides Arabic, which was his mother tongue, he knew Hebrew, Coptic and Persian. He quickly learned the last when a Persian delegation from Yemen visited the Prophet (peace be upon him). The delegation stayed for a few days in Madinah. Owing to his close relations with them, Zayd ibn Thābit learned enough Persian to conduct a day to day business with them. He could find out their needs, and answer their questions in their own language.

Arrangements were made, on the one hand, in Madinah to meet the requirements of education, and steps were taken, on the other, to impart necessary religious instructions to residents of other territories who were fast joining the Commonwealth of Islam.

QUR’ĀN AS MASTER TEXT-BOOK

We should like to dilate on another aspect of education which is entirely our own inference. The Prophet (peace be upon him), we think, was fully aware of the importance of various branches of knowledge and wanted Muslims to learn them. Instead of having different text — books for them he preferred one which should always be studied by everyone irrespective of his special interest. If somebody recites the Qur'ān time and again he will read about subjects of his own interest beside others even though in a cursory manner. Such information may not be directly concerned with the subject of one's specialization but it could yet be useful. The Qur'ān covers numerous fields. It does not confine itself only to religious beliefs, worship and ethics, but profusely deals with a variety of other branches of knowledge.

The Torah deals exclusively with the history of Israel except the first introductory chapter in which events from Adam to Moses have been briefly covered. Similarly, the Gospels are the biography of one person — Jesus Christ. The Qur'ān, on the contrary, is neither the history of the Arabs nor a biography of the Prophet (peace be upon him). It is the history of mankind. The stories of numerous kings, prophets and nations have been told so that Muslims might learn a lesson from them and lead their lives with a sense of full responsibility.

Many countries, cultures and civilizations besides Egypt, Babylonia and Yemen have been mentioned. A prophet who possibly belonged to India has been referred to. He is Dhū al-Kifl. The word literally means the "man of Kifl" Kifl is perhaps the Arabicised version of Kapalvasta — a place near Benares where Buddha was born. This is how an eminent Indian scholar, Mawlānā Manāẓir Aḥsan Gīlānī, interprets it. To reinforce his stand he refers to the Qur'ānic verses of the *sūrah al-Ṭīn* (The Fig) (95:1-3).

According to all the commentators of the Qur'ān, four prophets have been mentioned in the *sūrah* concerned. The "olive" refers to Jews who were intimately associated with the Mount of Olive. "Sīnā" refers to Moses who was granted the Torah on the Sinai. "This city of peace" alludes to Makkah. But how about the first word of the verse — the fig? Commentators of the Qur'ān have been speculating about its meaning. Some thought that Abraham was meant, others mentioned some other prophets. The fig has no significance in the lives of Abraham and other prophets, while according to Mawlānā Gīlānī, the followers of Buddha unanimously believe that he received his *nirvāna*, the first revelation, under a wild fig tree. The Mawlāna infers, therefore, that the Qur'ān which refers to other great religions of the world has also mentioned Buddhism in a very subtle way. Since the Arabs did not know much about the life of Buddha the Qur'ān did not deal in any detail with regard to him.

It is clear, however, that the Qur'ān covers many branches of knowledge. It deals with history and refers to matters which are discussed in sciences such as botany, biology, mineralogy, oceanology, astronomy, gynecology, etc. We come across references to storms in the sea, to the sailing of ships, to pearls and corals, etc.

We reckon that the Prophet (peace be upon him) wanted every Muslim to receive a compulsory basic education besides having a fair idea of other subjects. That is why it was decided to read the Qur'ān because it covers nearly all subjects.

There were not many arts and sciences during the days of the Prophet (peace be upon him) but those that existed were essential and were in the process of development. One of them was medicine. We have some information about the position of physicians and surgeons in the Prophetic era. A Companion fell ill, it is reported in a tradition, and the Prophet (peace be upon him) went to enquire about his health. He asked whether a physician was available in the locality. Two names were mentioned. The Prophet (peace be upon him) advised that the better of the two, an expert, should be sent for.

The incident underlines the fact that the Prophet (peace be upon him) was conscious of specialization in knowledge and advocated treatment by specialists. He was not in favour of allowing an amateur to practice medicine. There is a tradition which clearly forbids this and provides for a penalty for those who pursue the field without proper qualifications because their ignorance could harm the society.

Similar traditions on the subject suggest that the importance of medicine was fully realized during the period of the Prophet (peace be upon him). Patients were treated with uncompounded medicines. Many a prescription is attributed to the Prophet (peace be upon him) who used to suggest simple remedies to people who complained to him of some ailment. A whole science of medicine has emerged from the practice and precepts of the Prophet (peace be upon him).

Yet another science to which much importance was attached was astronomy. It has been mentioned in detail in the Qur'ān which expounds the advantages accruing from it. A traveller can find his way at night. It can help determine time and the period of pilgrimage. Much attention was given to this science with which the Prophet (peace be upon him) was very familiar. When the Prophet's Mosque was built in Qbā after his Migration, the question of *qiblah* arose. The direction could not have been fixed on mere conjecture. It was the Prophet's knowledge of astronomy which helped resolve the problem.

He had passed by Jerusalam several times. In fact he had gone beyond it when he went to Buṣrā on a trading mission. Camels were the means of transport and the journey took place mostly by night. He knew from personal experience the star which helped advance travellers towards Jerusalem. He also knew the star which guided travellers from Jerusalem to Makkah and Madinah. Due to his knowledge he was able, without much difficulty, to determine the *qiblah*.

Enough evidence is available to suggest that people were encouraged to learn astronomy. They were also encouraged to learn the art of maintaining family genealogy. A practical advantage of such knowledge was that it prevented the possibility of marriage between two persons who were forbidden to marry each other. Much importance was attached to this aspect. The science helped not only the pursuit of historical knowledge but was useful in many other social matters. There were some sciences which were particularly patronized by the Prophet (peace be upon him) and there were others, such as military science, which he commended to the people and for which he created an interest among them.

If we read the Qur'ān with a commentary we shall acquire a fair knowledge of many sciences. The Qur'ān mentions beliefs of many religious communities and thereafter refutes them. The comparative study of religions requires a reader to add to his knowledge of different religions through commentaries or other sources. Such knowledge would be useful in discussions with followers of other religions and could help advance the cause of the propagation of Islam. Here is an example from our own experience. A French nun, who has since embraced Islam and is known as Ḥajjah Tāhirah, once objected to polygamy in Islam. I said that I could accept such criticism from another quarter but not from her because, according to her own belief, every nun is the wife of God. Her husband, I argued, had thus the freedom to have millions of wives while she was objecting only to four permitted to a Muslim man with a strict proviso of equal and just treatment to all of them. She was deeply affected by the response, and decided to leave her convent and become a Muslim after carrying out correspondence on the subject for two years.

QUESTIONS AND ANSWERS

Question

The Prophet (peace be upon him) was not altogether happy when he saw ‘Umar read the Torah, but he permitted ‘Abd Allāh ibn ‘Amr ibn al-‘Āṣ to read it. What is the reason for this?

Answer

Other people were also permitted to read the Torah, e.g. ‘Abd Allāh ibn Salām, a convert from Judaism to Islam. It is clearly established that he was permitted to read the Torah and the Qur’ān on alternate days. It is somewhat difficult to explain why ‘Umar was denied permission. Perhaps one of the reasons was that the permission was confined to those whose knowledge of Islam was adequate and firm, and there was no fear that they would waver if they read books of other religions. It may also be borne in mind that the denial of permission to ‘Umar took place in the early days of Islam while permission to ‘Abd Allāh ibn ‘Amr was given a little later when a good part of the Qur’ān had been revealed. He was a very able man and could be depended upon to remain firm in his faith. Another reason could be that permission to ‘Umar would have created a general precedent which could be used as justification for others to presume that they too had the sanction. The permission was exclusive to a few individuals. Moreover, there are instances when the Prophet (peace be upon him) forbade a certain thing and later lifted the ban. There is that well-known tradition about visits to graveyards which were initially forbidden but were later allowed.

Question

The copy of the Qur’ān given during the oath of al-‘Aqabah was placed in a mosque in Madinah. Were there mosques, other than the Prophet’s Mosque, in Madinah?

Answer

Yes. There were many mosques. The reason is that during the time of the oath of al-‘Aqabah some twelve tribes embraced Islam. Three of them belonged to Aws and nine to Khazraj. They were at odds with each other and it could not be expected that they would gather in one mosque. Madinah was a large city and it had many mosques. It is difficult, however, to determine the exact number. We find from the history of Madinah written by al-Samhūdī that As'ad ibn Zurārah's old mosque was extended at the place where the Prophet's Mosque was built. Only Muslims from the tribe of Najjār used to pray in the old mosque. Their number was possibly fifteen to twenty. After the arrival of the Prophet (peace be upon him), the number increased and the small mosque became inadequate. It was, therefore, extended. It then came to be known as the Prophet's Mosque. The copy of the Qur'ān given during the oath of al-'Aqabah remained with Banū Zarīq.

Question

Is co-education permitted in Islam? If so, how far does the permission go?

Answer

In the early stages of Islam both men and women gathered in the mosque. It is possible that they sat in different places but they had access to the place from where the Prophet (peace be upon him) addressed the people. One can infer from this that a similar arrangement could be made in a college where boys and girls could have separate seats. It would be particularly useful in cases where only one man or woman is a specialist in a certain subject. Both sexes could avail themselves of a common lecture.

There is an old book called *Kitāb al-Amwāl* by Abū Ubayd ibn Qāsim, a technical work on finance. One of the most important scholars from whom this work has been reported was a woman who used to lecture in her own house on Abū 'Ubayd's book and both men and women attended her lectures. Both men and women can benefit from the same teacher. The Qur'ānic injunction (33:53) is relevant. It lays down the rule that questions to the wives of the Prophet (peace be upon him) should be put from behind the curtain. It is obvious that the rule relates to men and not women who did not need to do so. In the light of these observations, depending upon the circumstances and necessity, one could say that separate schools and colleges are to be preferred; but if it is not possible, arrangements for co-education may be made.

Question

Astronomers suggest that stars deeply influence the practical life of man. How far should we as Muslims rely on astrologers?

Answer

There is a difference between astronomy and astrology. Astronomy is a very good subject. Its importance is fast increasing. The Prophet (peace be upon him) has stated that astrology is not reliable. The experts in astrology sometime come out with a true statement but generally they are unreliable. They predict our future but do not know their own with the result that they remain paupers all their life and beg people for a few pennies. This is a lesson for us to realize that we should not believe the things they tell us.

As regards the influence of stars on human life, it is quite possible for sometime we are obliged to believe in the unseen. It is not suggested that everything which we do not understand is due to the influence of stars. Sometimes we are obliged to accept invisible things. Everyone knows that summer, winter, rain, autumn and spring have a connection with the sun. The moon causes storm in the seas. The influence of billions of stars on our life is yet to be determined for our knowledge of this science is still minimal. A tradition of the Prophet (peace be upon him) states: "Whoever says that the rise of a particular star influenced a particular act is an unbeliever. The right thing is to say that God created the effect."

Question

The injunctions of the *Sharīʿah* are of no use until our beliefs are correct. Unless beliefs and acts go together the purification of the soul is not possible. We have one Allah, one Prophet (peace be upon him), one Qur'ān and one religion, but our religious scholars have created many sects — the Barelavī, the Deobandī, etc. The *'ulamā'* preach to us ignorant folk to "hold fast, all together, by the rope of Allah and be not divided" (3:103), and at the same time they create divisions. Does not the Qur'ānic injunction apply to them? A friend of mine is sick of these sects and suggests with a measure of irony that he wishes to become a Christian because there are no sects in Christianity. Will you please tell us why sectarianism is fast spreading among our religious scholars?

Answer

Let me first answer the second part of the question. I have seen a book in German which mentions twelve hundred Christian sects. It is obvious that our friend would be disappointed when he becomes a Christian and would say that Islam was better in that it had perhaps only twelve rather than twelve hundred sects.

There is only one solution for sectarianism and that is that instead of criticising others you should concentrate on yourself. Do not allow yourself to be attacked by this disease. Do not consider yourself entirely in the right and others entirely in the wrong. Entrust others to their God – they would render account directly to Him for their beliefs and actions. This is the only way to finish sectarianism. Those who are literate have many means today to find out their responsibilities. Innumerable books on the fundamentals of Islam are available. There are translations of the Qur'ān, collections of *Ḥadīth*, etc. It should be easy for us to ensure that we do not get involved in sectarianism and remain safe from mutual quarrels and disputations.

* * *

TEN

LAW-MAKING AND JUDICIARY

Law is made in two ways — one, by custom whose age, history, and law-maker are not known; and two, by a known author such as a king or a ruler who lays down a law for his subjects. Sometimes a law is made by a known person who declares that it is Divine law and not his own. But there is a fundamental difference. We do not know the author of customary law. It is possible that part of it was once promulgated as Divine Law which reached us through a Prophet. We forgot the process of communication but kept acting on the law which assumed the force of habit with us and remained intact.

There are really two kinds of law — one is purely human and the other is Divine. A basic thing to remember is the principle that once a law is made it can be changed later only by an equivalent or a higher authority. An order given to his class, for example, by a professor of a university cannot be changed by soemone of ordinary standing such as a student or a peon. It can be modified, however, by a vice-chancellor or a higher authority such as the minister for education or indeed the ruler of the country. But any person lower in status than the one who originally gave the order cannot change it.

This is a principle which has far-reaching consequences. That is why a law revealed by God cannot be changed except by Him. No human being can change it. If he does so he is an atheist who does not believe in God. After God, a Prophet can promulgate an ordinance through personal reason where he is not in receipt of a revelation on the subject. When such a law is made at the discretion of a Prophet it can be subsequently changed only by another Prophet and not any other person of a lower status such as a king, a jurist, or a reformer. But God can amend or abrogate a law made by a Prophet.

The amendment of laws is governed by a law. If, for example, there is a law in the Torah, it can be changed by the Bible or the Qur'ān because the latter too are a collection of Divine laws. Similarly, the rulings of Moses and Jesus can be changed by Muḥammad (peace be upon them all). In brief, the laws of Prophets can be changed by God or His Prophets through the process of revelation.

Keeping all this in view we shall now consider how Islamic law was made. The period of the Prophet (peace be upon him), beginning with the first revelation in the Cave of Ḥirā’ and ending with his death, covers twenty-three years. The Qur’ān, the fundamental source of Islamic law, was not revealed in one piece as a finished book or a series of tablets like the law of Moses. It was conveyed to the *ummah* in parts as and when a verse was revealed to the Prophet (peace be upon him) during a period of twenty-three years.

LAW OF ISLAM IN THE EARLY PHASE

Under the circumstances it is perfectly obvious that there was no such thing as Islamic law when the first revelation comprising the five verses of *sūrah al-‘Alaq* was received (96:1–5). All the injunctions of the Qur’ān and the *Ḥadīth* gradually came later. The question arises: What was the law of Islam in its early phase? In the light of the Qur’ānic evidence and the history of the Prophetic period, we can say that it comprised the customs and practices of Makkah which were initially owned and acted upon by the Muslims of Makkah. In the absence of revelation this was their law. For example, the verse forbidding taking of liquor was revealed several years after the Migration. The immediate cause which led to the revelation was that a Companion while leading the prayers read a *sūrah* in a state of drunkenness in a manner which completely mutilated its meaning. Liquor was permissible, however, until the revelation of the prohibitory order. The Prophet (peace be upon him) never drank himself although some of his Companions enjoyed an occasional drink. But drinking was prohibited after this incident.

The same principle applies to other laws. The first revelation prohibited idol worship but it did not refer to other evils. There is no doubt that common sense demands certain don’ts such as: "do not steal", "do not kill an innocent person", "do not deceive anyone". Both human nature and human reason rebel against such deeds with the result that the society accepts their prohibition. But in things where a difference of opinion can arise, such as drinking or eating pork, the Muslims initially followed the practice of the Makkans. The customary law of Makkah was, therefore, the temporary law of Islam until such time as parts of it were specifically amended or abrogated.

In a discussion about revelation and the Qur’ān it is pertinent to point out a principle which is referred to as *sharā’i‘ min qablinā* (religious laws before us) in the works of jurisprudence. It refers to the legal injunctions in the Divine books before Islam. They have been mentioned a number of times in the Qur'ān, the most important reference being in *sūrah al-An'ām* (6:83–90). In these verses some twenty Prophets have been mentioned and then follows the directive to the Prophet (peace be upon him) to follow their guidance.

This means that in the event of old Divine revelations being available to us in their correct form, the laws of the earlier Prophets remain obligatory on Muslims unless they are cancelled by the Qur'ān.

The laws of the earlier prophets are the laws of God and they remain valid until God chooses to change them. Muslim jurists have cited a number of examples. We shall quote a few to help clarify the issue. In *sūrah al-Mā'idah* (5:45) the Qur'ān refers to the law of retaliation in the Torah — eye for an eye. Being the exclusive law of the Jews it also became part of the Muslim law.

Another example occurs in *sūrah al-Nūr* (24:2) where the penalty of a hundred stripes is prescribed for adultery between an unmarried couple but married men and women are not mentioned at all. The reason for the omission is that the Torah and the Bible had already prescribed stoning to death in such cases. (According to *Ṣaḥīḥ of Bukhārī* the Prophet (peace be upon him) confirmed its correctness). In the event of the Qur'ān remaining silent in cases where an explicit order is already given in the Torah and the Bible, the previous law will prevail. The penalty of stoning to death was upheld by the Prophet (peace be upon him) and by all his successor Caliphs and jurists who maintained and executed the law. The "religious laws before us", therefore, constitute a source of Islamic law, provided their veracity is established and they are not changed by the Qur'ān and the *Ḥadīth*.

The second source of Islamic law is the *Ḥadīth* and the *Sunnah*. Even though it is everlasting, it could be changed during a limited period covering the life of the Prophet (peace be upon him). After the death of the Prophet (peace be upon him) the period of making laws or amending them through this source comes to an end. Even the Prophet (peace be upon him) cannot change them with his personal discretion. The laws received through the *Sunnah* are of two kinds. One is a set of laws received by the Prophet (peace be upon him) through revelation with the proviso that they should not be part of the Qur'ān. However, as we know, the Qur'ān explicitly states that whatever the Prophet (peace be upon him) says is based on Divine revelation and does not represent his personal preferences (53:3–4).

It is the firm belief of Muslims that all statements of the Prophet (peace be upon him), even those not included in the Qur'ān, have reached him through revelation and that he has faithfully communicated them to us. But it is also possible that the Prophet (peace be upon him) is faced with an eventuality about which there is no guidance in the Qur'ān. Under the circumstances he waits for a revelation. If he receives no revelation and the matter in question brooks no delay, the Prophet (peace be upon him) deals with the emergency on the basis of his own reason and issues an order on his own discretion. Such an order will be either upheld or changed, if found unsuitable, by a subsequent revelation. If God does not consider the Prophet's inference as unreasonable it could be confirmed through silence as well as revelation which could be both immediate or relatively late.

If no Divine amendment is received, the Prophet (peace be upon him) would be within his rights to continue to act on a given order irrespective of the duration of time because God has not changed it. In order to change an order of the Prophet (peace be upon him) based on his own reason and inference an order from God is necessary. There are relevant examples in the Qur'ān. The treatment of prisoners of war after the Battle of Badr is one of them. Until then there was no specific order on the subject in the Qur'ān. The Prophet (peace be upon him) decided to release the prisoners on payment of ransom. The action was followed immediately by the revelation of the famous verse of warning (8:68). God did not approve of the decision based on personal discretion but confirmed it on the basis that He had already decided to change the law of Moses and allowed the Prophet (peace be upon him) to proceed on the basis of the new law. On the contrary, had the Prophet's decision been reversed, the law formulated by him would have ceased to be valid.

SOURCES OF THE ISLAMIC LAW

So far as the basic sources of Islamic law are concerned, the first of these is the customary law of the country provided it does not militate against common sense and is not changed by the Qur'ān and the *Ḥadīth*. The second is specific legislation which can be done either by the Qur'ān or the *Ḥadīth*. There is a fundamental difference between the two. The Qur'ān is considered as the law of God. The *Ḥadīth*, for various reasons, has a status inferior to that of the Qur'ān. If we receive a law from the Prophet (peace be upon him) during his life-time, its status will be equal to that of the Qur'ānic law. For example, if a person contended during the life-time of the Prophet (peace be upon him), that he would obey the law of God i.e. the Qur'ān, but not the law of the Prophet (peace be upon him) for it was human law, such a man would obviously face immediate expulsion from the Muslim *ummah*.

The reason why the status of *Ḥadīth* is somewhat lower is that while the Prophet (peace be upon him) personally supervised the collection and preservation of the Qur'ān and made arrangements for its verbatim communication from one generation to another, he did nothing of the kind for *Ḥadīth* most of which was collected by his Companions, in their personal capacity.

Owing to the varying capabilities of Companions it is quite possible that while one might have fully understood a statement of the Prophet (peace be upon him), the other might not have done so. The reasons can be many. The reporter might not be a learned man or a scholar, for example, but was illiterate and a mere bedouin. Or perhaps did not get a certain word of the Prophet (peace be upon him) for, let us say, someone sneezed exactly at that time, or failed to hear a word of basic importance without which the correct meaning of the statement would not be clear. If such a person later narrated a tradition from the Prophet (peace be upon him), it would not be the correct *ḥadīth*.

There is a difference, therefore, between the Qur'ān which was compiled under the personal supervision of the Prophet (peace be upon him), and the *Ḥadīth* which was collected through the individual efforts of his Companions. In later times, therefore, before acting on a *ḥadīth*, many questions were raised: was it a preliminary directive or did it remain the law until the end of the Prophet's life? Was the order once given and then cancelled? Was it related to a particular individual or was it meant for everyone? Was the tradition in question heard and written correctly by a Companion or did it undergo some change in the process of transmission owing to the limitations of the narrator? Was the veracity of a tradition affected during the age of the Successors?

STATUS OF *ḤADĪTH*

Due to these reasons the status of the *Ḥadīth* is certainly lower than that of the Qur'ān, but the basic principle remains valid *viz.* that the order of a Prophet (peace be upon him) can be changed only by a Prophet (peace be upon him). Any person of a lower status does not have the right to modify or amend it. Incidentally we have many means of verifying the veracity of a tradition. We have been bequeathed a complete science which deals with the subject and lays down principles of criticism and sets up strict standard for judging the reliability of a tradition. In the event of a difference between two traditions, rules have been laid down to determine the preference of one over the other.

We are satisfied that collections known as *Ṣiḥāḥ Sittah* have been compiled in accordance with all these rules and that every precaution which is humanly possible has been taken to ensure the soundness of traditions. We would, in all confidence, prefer any book of *Ḥadīth* to the most authentic book of any other religion. Take the New Testament, for example, which has reached us in several different versions. Christian historians themselves state that its existence was mentioned for the first time three hundred years after the death of Christ. We have no knowledge how it was recorded and transmitted from generation to generation in the first three centuries.

On the contrary, even the most ordinary work on *Ḥadīth* prefaces a tradition of one sentence with a whole list of references indicating names of narrators culminating with the Prophet (peace be upon him) from whom the particular tradition was heard. The lowest-ranking book of *Ḥadīth*, therefore, enjoys a higher historical status than the highest-ranking books of other nations because of reliable and verifiable references.

We should clearly understand that all injunctions do not enjoy an equal status. Some are mandatory, some recommendatory, while some are prohibitory. Some injunctions forbid but not totally. These actions fall in the category of disapproved items. Many things have been left to our own discretion. We do may them if we want to; we may not if we don't want to. Such items fall under the category of permissible actions. But this concept developed a little late when injunctions were divided into five categories on the basis of their evaluation from a religio-moral viewpoint. That which is good should be mandatory. That which is evil should be forbidden. That which is preponderantly good but has an element of evil should not be mandatory but merely recommendatory i.e. it is better to do it. That which is preponderantly evil though it has an element of good should be considered disapproved. And finally that which is neither completely evil nor completely good but has an equal element of both is declared permissible.

The division of injunctions into five categories began in the second century of the *Hijrah.* As pointed out by Ghazālī, we come across it for the first time in the books of the Mu'tazilah dealing with jurisprudence. Here it is pertinent to point out the expressions used in the Qur'ān for good and evil. A good thing is called *ma'rūf* while a bad thing is called *munkar*. The words *khayr* and *sharr* are also used for good and evil but generally *ma'rūf* is used for good and *munkar* for evil.

The literal meaning of *ma'rūf* is that which everyone knows and *munkar* means that which is not at all known. Everything that is reasonable and is accepted by human beings who know it is good for them, has been ordained as a mandatory injunction and everything which everyone knows is bad has been forbidden. This is the explanation for the two technical terms *ma'rūf* and *munkar*. God Almighty is our Creator and Master. He never ordains evil. All His injunctions are based on good reason even though we may not understand the philosophy of a particular command.

The Qur'ān and the *Ḥadīth* are permanent sources of law. Since the institution of prophethood has been abolished after the Prophet (peace be upon him), the law given by him i.e. the law embodied in the Qur'ān, will remain valid until Doomsday. A Prophet is needed to amend or cancel the law given by another prophet. Since no Prophet is to follow the Prophet Muḥammad (peace be upon him), the traditions and the *Sunnah* of the Prophet (peace be upon him) of Islam will remain valid till the end of time, and it will be incumbent on us to act on them. In the Qur'ān and the *Sunnah* a few things are mandatory, some are forbidden, while others are disapproved. These categories do not enjoy an equal status. For example, there is an injunction about *zakāh* in the Qur'ān which is mandatory. There are also verses which enjoin charity but they are not mandatory commands. They are an inducement, an encouragement or a persuasion in that direction.

LAW-MAKING IN THE TIME OF THE PROPHET

We also come across other sources of law-making during the period of the Prophet (peace be upon him) but they are of a temporary character. One of them is what we call treaties. If Muslims enter into an agreement with a party and accept certain conditions, these become binding on the entire community until such time as the agreement expires. The conditions which become part of the Muslim law for a stipulated period, then cease to operate but while they do, compliance with them is as obligatory as obedience to permanent laws derived from the Qur'ān and the *Sunnah*.

In the Treaty of Ḥudaybiyah, for example, it was provided that the unbelievers of Makkah were not bound to hand over to Muslims a believer who sought refuge with them while the Muslims of Madinah were, on the contrary, under obligation to return an unbeliever to the Makkans on demand even though he had embraced Islam and had sought asylum with the Prophet (peace be upon him). The provision, even though unilateral, remained part of the Muslim law as long as the treaty was valid. With the expiry of the treaty after two years the law about the return of Makkans also lapsed.

There is another source of law. Instead of making a new law, an Islamic government sometimes accepts a law in vogue in another country. Caliph 'Umar, for example, was asked for guidance by his governor in Syria who enquired about the rate of poll-tax he should levy on traders from across the border. 'Umar directed that the rate should be the same as levied on Muslim traders in the country concerned. Elaborating this principle, Shaybānī, a disciple of Abū Ḥanīfah, states that the principle could be implemented in various ways. If a country does not levy poll-tax on Muslim traders, the Muslim state would reciprocate. The principle of reciprocity operates until such time as the country concerned decides to the contrary.

The most important element, after these sources of law, is the means made permanently available to a Muslim law-maker who can cope with every conceivable eventuality until the end of time. And this is *ijtihād*. Of the four principles mentioned by our jurists — the Qur'ān, the *Ḥadīth*, consensus and *qiyās* — consensus was not found during the period of the Prophet (peace be upon him).

Qiyās (analogy), which we also call *ijtihād*, had already come into existence during the life-time of the Prophet (peace be upon him). A year and a half before his death, the Prophet (peace be upon him) appointed a Companion, Mu'ādh ibn Jabal as a judge in Yemen in 9 AH. According to the established tradition, the functionary was received in an audience by the Prophet (peace be upon him) at the eve of his departure to take up his assignment. The Prophet (peace be upon him) asked him how would he decide cases presented to him. He replied that he would do so in accordance with the Qur'ān, whose laws would be implemented. The Prophet (peace be upon him) asked how he would proceed in the event of not finding the relevant law in the Qur'ān. Mu'ādh ibn Jabal was quick to respond that in that event he would have recourse to the *Sunnah* of the Prophet (peace be upon him). The Prophet (peace be upon him) accepted the answer but pressed on with the point and asked what he would do if the necessary guidance was not forthcoming even from that source. Mu'ādh replied: "I will strive to [find the solution] through my reason and will spare no effort." In other words, he would use his discretion through reason, inference, analogy, and try to find a solution which, in his view, would be reasonable, and would meet the demands of justice and the approval of God. The Prophet (peace be upon him) was so pleased with the answer that he raised his hands towards the sky and said: 'O God! Your Messenger is happy at the grace you have bestowed on his messenger." We are thus permitted to strive to find a solution if one is not available in the Qur'ān and the *Ḥadīth*; or the two sources are silent on the issue in question. Obviously, this power is limited. If the Qur'ān and the *Ḥadīth* are explicit on an issue the question of *ijtihād* does not arise. We can resort to it only if, despite all effort, no principle or injunction about the issue concerned can be found.

There are various ways of discovering a law through *ijtihād*. Sometimes we do not find an injunction about the issue in question but a directive about a similar situation is available. For example, the Qu'rān provides a law about theft but there is none about the theft of shrouds. What, then, is one to do? The expert will have to exert his reason whether the law about theft would apply or it would have to be amended suitably to meet the situation. In the same way, corresponding similarities can be discovered in other cases.

Sometimes, through logical argument, we arrive at a decision but a little deeper thinking suggests that the solution we have discovered is not appropriate and that another law would be more suitable. This process is called *istiḥsān* because after maturer reason we have discovered a law which is better (*mustaḥsan*). At times, another principle is the guiding factor — the good of the *ummah*. Strict observance of the rules of logic would suggest one solution but another appears better in the interest of the people whose welfare is an overriding consideration. This is called the principle of *istiṣlāḥ*.

Owing to these subtle differences *ijtihād* takes various forms. We find its incidence in the age of the Prophet (peace be upon him). As a result of the application of this principle, we find a new factor in law-making i.e. the judicial decisions of *qāḍīs*. Suppose that a *qāḍī* makes a decision on the basis of personal reasoning because he has found no explicit guidance either in the Qur'ān or the *Ḥadīth*. Since he is a judge he can have his decision implemented. He need not consult the Prophet (peace be upon him). It is possible, however, that the judge may have doubts of his own before the judgment is executed. He will enquire from the Centre. The reply of the Centre during the period of the Prophet (peace be upon him) will assume the form of law for it is part of the *Sunnah*, and there would be no *ijtihād* on the part of the judge. Another possibility would be that the judge passed the judgment and did not consider it necessary to refer it to the Prophet (peace be upon him). But the Prophet (peace be upon him) received the news either through an appeal by the parties concerned or through his own sources. He took notice of it as the law-maker and not as the supreme executive, and directed the judge or the governor to proceed in a particular way.

There are many examples of the Prophet (peace be upon him) issuing instructions both to his judges and governors. There was a case of murder by mistake in which blood-money was ordered to be paid. According to the old custom, blood-money was paid only to the male relatives of the deceased. On receiving the news, the Prophet (peace be upon him) ruled that the widow should also be given her share. Blood-money was declared part of inheritance. Shares of inheritance for a wife, son, daughter, mother, father and so on, have been fixed in the Qur'ān. The same formula will have to be applied, therefore, in the distribution of blood-money. These examples indicate the process through which legislation was done in the period of the Prophet (peace be upon him).

CONSENSUS

The principle of consensus is an important source of law but it was not possible to have recourse to it during the Prophet's life-time. It is a later development. Consensus means that in case we do not find a solution to a problem in the Qur'ān and the *Ḥadīth* we make an effort of our own to find one. If scholars at a given period of time reach an agreed position on a particular question, that position necessarily becomes more acceptable. Consensus, therefore, occupies a very important status.

However, at least according to Ḥanafī jurists, it is neither permanent nor unchangeable. They believe that a new consensus can cancel or abrogate an old one exactly in the same way as a new Prophet can cancel the commands of an old one. On the same analogy, a jurist can reject another jurist and advance a different opinion of his own. If an old consensus is replaced by a new one the later consensus will prevail and the earlier will cease to operate.

This is the view of the distinguished jurist Abū al-Yasār al-Bazdawī. These are exactly the words he uses in his famous book on jurisprudence viz. an older consensus can be cancelled by a later consensus on an issue. Imām al-Rāzī holds the same view. This was a great service to Islamic law. Since legislation through consensus does not have the attributes of a law given by God or His Prophet (peace be upon him) as it is based on the opinion of human beings, we are not bound to follow it forever. A law made by man can be replaced by another man-made law which is responsive to the demands of the changing circumstances. Obviously, it will be difficult to muster courage to oppose a consensus but under the principle expounded by Imām al-Bazdawī someone will have to take the initiative to fire the first shot and object to an old established view. Contemporary scholars will begin to veer around the new view. The old consensus will then cease to be valid as soon as a new one is reached.

JUDICIARY BEFORE ISLAM

Having dealt briefly with law-making, we should now consider the system of judiciary which is the other aspect of the same subject. But before we deal with the judiciary of the Prophet's period, we need to know a little about the system prevailing in Arabia during the pre-Islamic period (*Jāhiliyyah*), for this is the only way to appreciate the significance of the revolutionary reforms carried out by the Prophet (peace be upon him) who completely transformed the pre-Islamic system. During the period of ignorance (*Jāhiliyyah*) the bedouin tribes of Arabia had neither a ruler nor a government nor a court of law. There was no possibility, therefore, of someone seeking justice for a wrong done to him. The aggrieved party had no alternative but to fall back on its own resources and seek revenge. It was easy to do so in the case of a weak enemy but if the enemy was stronger there was no possibility whatever for the weaker party to secure justice.

Sometimes there was a very weak glimmer of hope, and that was the possibility of a third party settling the dispute in case the stronger party also agreed to accept a person as an arbitrator. In such an event the person so selected was invested temporarily with the authority of a judicial officer whose decision was accepted by both the parties. We come across such instances in the pre-Islamic period. In 'Ukkāẓ near Tā'if a fair used to be held. Foreigners also participated in it. During the fair, which lasted for two or three days, officers were appointed temporarily to settle disputes which arose during the trade transactions for that duration. Everyone knew who these officers were. Those who decided to refer their cases to them had to wait for the ‘Ukkāẓ fair. Thus we see some bright spots in the dismal darkness of Arabia.

As far as Makkah was concerned, it had three institutions to settle the disputes between citizens. One was the civil court which was presided over by Abū Bakr, and the other was a criminal court. In addition to the two there was an institution called *Ḥilf al-Fuḍūl*. This was an order of chivalry. The people of Makkah once felt that their city was being defamed owing to the maltreatment of strangers. Someone even wrote a poem on the conduct of Abū Jahl. The poem included remarks against Makkah. Abū Jahl took no notice of the poem but the people of Makkah felt deeply hurt. They voluntarily agreed on a covenant to help any aggrieved party, whether citizen or alien, and resolved not to rest until they had redressed the grievance of the aggrieved. So far as Madinah was concerned, there was no possibility of a judicial set-up. Everyone helped himself.

ISLAMIC JUDICIAL SYSTEM

A city state was established after the Prophet’s arrival in Madinah when he framed and promulgated the first written constitution of the world. One of its provisions was indeed of a revolutionary nature. Justice, instead of being treated as the concern of an individual, became the responsibility of the state. If someone was harmed, he was not to punish the person concerned on his own but had to take the case to the central judicial authority. The judge as a completely neutral person would hear the parties concerned and pronounce his decision without fear or favour. There were other provisions. Nobody had the right to support a criminal, even though he was his own son. If a son had killed someone the father had no right to protect him nor could the son resist arrest by the police. On the contrary, it was held that justice is a divine ordinance. Everyone should, therefore, fully cooperate in the interest of justice. No one should make an effort to save a criminal, howsoever close he might be in terms of blood-lies.

It was a revolutionary development that upholding of justice in Madinah, instead of remaining an individual act, became the collective responsibility of the state. After this development, two other institutions came into being in Madinah, and later spread to the whole country. One was the institution of *muftī* and the other was that of *qāḍī*. The *muftī* pronounced his opinions explaining the law relating to specific questions. He, however, only provided guidance about the law but the enforcement of law was not his duty. The other institution was that of a *qāḍī* or a judge. There were many of them during the period of the Prophet (peace be upon him) but there was no permanent judge in Madinah. At least, we have not come across any mentioned as such. There are many examples, however, of the Prophet (peace be upon him) nominating a Companion to hear a particular case and give a decision after listening to the statements of the parties concerned or visiting the scene of the crime. A decision given in such circumstances by the Prophet's nominee meant that it was his own decision.

In this connection we should like to mention a minor incident which assumed great significance. It concerns 'Amr ibn al-'Āṣ, an extremely intelligent man who was recognised as an expert on law. The Prophet (peace be upon him) asked him to hear a particular case and give his decision. "But on what basis?", asked the Companion. The Prophet (peace be upon him) understood the query and replied that he would be doubly blessed if he reached the right decision in the pursuit of justice. But if, on the contrary, he did not reach the right decision but his intentions were honest since he did not will to give an unjust verdict, he would still be blessed once because he had wanted to do justice.

DIFFERENCE OF OPINION AMONG JUDGES

Under the circumstances, we see a difference of opinion among judges. It all started during the Prophet's life-time but increased later on. It was the excess of these differences which led Abū Ḥanīfah to establish an Academy consisting of forty members to codify the Islamic law.

For it was quite common at that time that a judge gave one decision while another gave a totally different verdict on exactly the same question. In a letter known as *al-Risālah fī al-Ṣaḥābah*, written by Ibn al-Muqqafa' to Caliph al-Manṣūr, he complains about the growing incidence of these differences which was causing considerable problem to the jurists. Two different judges gave entirely conflicting verdicts on the same issue. One pronounced a death sentence while the other acquitted. One held that divorce had, in fact, become effective under a certain set of circumstances while the other pronounced a verdict to the contrary. In brief, it was felt that the life and honour of citizens were no longer safe. In many cases people did not know for sure what was right. Ibn al-Muqqafa' made a proposal to al-

Manṣūr that he should issue instructions to all judges to submit copies of their reasoned judgments to the Caliph. In case he found something unsuitable in a judgment he should strike it down. The decision of the Caliph would thus rid the judiciary of differences. The judges, instead of exercising their own discretion in a case, would be obliged to refer decisions to the Caliph who would help establish the same law in the realm. The Caliph rejected the proposal of Ibn al-Muqqafa‘.

There has been a long tradition from the days of the Prophet (peace be upon him) until to-date that judiciary and law-making in Islam have not been subservient to the government or politicians. Had Caliph al-Manṣūr accepted the proposal of Ibn al-Muqqafa‘, the judiciary and law-making machinery would have become subservient to the executive and the orders of the Caliph. There have been good Caliphs as well as bad ones. Law would have changed along with them. A new Caliph might have cancelled an order given by his predecessor. But if the law of Islam remained immune from the interference of governments and politicians, it would be possible for all jurists, who enjoy an equal status, to criticize each other with the result that law would remain progressive and on the right path.

These observations, we hope, have thrown some light on the process of law-making and administration of justice during the period of the Prophet (peace be upon him). Judges were sent to different provinces e.g. Yemen, and some details are available about them, e.g. the letter of appointment given to Abū Mūsa al-Ash‘arī is intact. Documents dealing with the same subject in respect of some other judges are also available. They give us some idea how the departments of law and judiciary came into being, how they developed from a scratch and coped with the growing requirements of a state which was no longer confined to a corner of Madinah but covered three continents.

QUESTIONS AND ANSWERS

Question

If law-making is a private affair how will laws be framed in an Islamic state? Who will be the law-makers? And how will consensus he enforced?

Answer

It has been our tradition that law-making should not be the prerogative of the state. It should not be the preserve of a parliament or a government. Every jurist should be free to express his views about an issue. Having deprived the rulers of the right to legislate, Muslim society faced no difficulty. It was only rarely that a Caliph laid down a law. ʻUmar issued a directive, for example, that the conquered countries should not be considered spoils of war for the conquering army alone but should be treated as trust property in perpetuity for the entire nation.

Such directives were indeed issued occasionally by governments but generally law-making was done by jurists on an individual basis. We have already stated that if a person of an equivalent status expresses an opinion, it is easier for us to criticize him and offer a view contrary to his. On the contrary, one would hesitate to oppose a decision of a government particularly during the regime of a despot.

In the early days of Islam *qāḍī*s were free to deliver judgments in accordance with the Qur'ān and *Ḥadīth*. In case they did not find the requisite guidance in both they could fall back on the view of any recognised jurist. If they did not find the desired material even there, they were free to decide cases on the basis of their own discretion.

As regards the procedure to enforce law, our judicial officers had their decisions implemented through the police. Is this procedure still possible and suitable? All that we would say in this regard is that our law today is more detailed and organized than it was during the days of Abū Ḥanīfah who set up an academy to codify Islamic law.

The need to undertake fresh legislation has, therefore, been considerably reduced, although the need to compile the laws clause-wise remains. What is Ḥanafī law, for example? When we see books like *Hidāyah, Qudūrī*, and *Mabsūṭ*, we realise that there exist differences of details between the Ḥanafīs and the other schools. It is also possible — and examples exist — that the ruler of a country can issue instructions that all *qāḍīs*, irrespective of their personal persuasion, should decide cases in accordance with the laws of their school — Ḥanafī, Shāfiʻī or Mālikī. During the ʻAbbasid Caliphate Abū Yūsuf is stated to have issued a directive to the *qāḍī*s to decide cases in accordance with the Ḥanafī law. Yāqūt records that some *qāḍī*s, who were either Muʻtazilites or did not belong to the Ḥanafī school still used to decide cases in accordance with the doctrines of the school which had the support of the state.

Question

If Islamic law is applicable to non-Muslims in an Islamic state is a Muslim bound by non-Muslim laws in a non-Muslim country?

Answer

The first part of the question is not correct, since Islamic law is not applied to non-Muslims in an Islamic state. During the period of the Prophet (peace be upon him) every religious community (Jews, Christians, etc.) enjoyed autonomy in accordance with the Qur'ānic injunctions. Their freedom was not restricted to beliefs and worship but covered law and judiciary.

In non-Muslim countries, however, Muslims are subject to non-Muslim laws. It should not be so but since the non-Muslim world has not been able yet to match the generosity and tolerance of Islam in giving autonomy to other religious communities, we should equip ourselves with all the available information about the restrictions likely to be imposed on us in case we wish to live in a non-Muslim country. But a question arises: what should a German or a French national do, for example, in the event of his conversion to Islam?

It is obvious that no country is prepared to allow unrestricted emigration to intending emigrants at will. There is no answer, therefore, to these difficulties except that, as the Qur'ān lays down: "Allah burdens not any soul beyond its capacity" (2:286). One should act according to Islam as far as it is possible to do so. The extent to which it is not possible will indeed be forgiven by God.

At the same time a Muslim must keep on trying to act according to the Islamic law as far as he can. For example, the law of inheritance is the same for everyone in France. It is not bound by the Biblical law nor is it derived from the Torah or the Qur'ān. It is a man-made law which makes no exception for anyone whether he is a Christian, a Communist, a Jew or a Muslim. Whoever is a French national, either by birth or naturalisation, is subject to the same law. But there is a solution. The French law provides for a will and a gift. If I ascertain the relevant injunctions of the Qur'ān regarding the shares of my near relations such as wife, son, brother, etc., I can leave a will or make a suitable gift in order to meet the requirements of Islamic law. Where there is a will there is a way.

Question

Please elucidate the role of a lawyer from the Islamic point of view.

Answer

There were no professional lawyers during the period of the Prophet (peace be upon him). But I see a hint in the Qur'ān: "Behold! You are they who pleaded for them in the present life": Who will plead for the unbelievers with Allah on the Day of Resurrection, or who will then be their defenders"? In principle, therefore, I do not consider the work of the pleader or lawyer of today as belonging to a forbidden category because the general law is that things which have not declared forbidden are permissible (4:24). And if it is not forbidden to be an advocate, it will be in order for us to be one even though the institution did not exist during the Prophet's regime.

Question

How far is the role of an advocate lawful and useful in criminal and civil fields?

Answer

The role of a lawyer is not to help a thief or a dacoit. His duty is basically to help a client using his specialized knowledge and acquaint him with the nature and extent of his rights. It is necessary to have a lawyer to help explain the technicalities of law to a court from the legal point of view. His role should be to bring out the truth and not to hide it, for he is not there to help criminals and oppressors.

Question

In the presence of *zakāh* and *'ushr*, why and how far is it permissible to levy the dozens of taxes that have been leived, particularly on the rural areas?

Answer

If the needs of the country cannot be met by *zakāh* and *'ushr* we will have to pay more to help ourselves and defend our faith or else we will be guilty of an act of suicide. God says: "Do not expose yourself to death through your own hands" (2:197). The immediate cause of the revelation was niggardliness in spending.

Question

Does Islam have the concept of elections and democracy of the modern era in which heads are counted, nor weighed?

Answer

That which is not forbidden is generally considered lawful and permissible. Men were not counted during the Prophet's regime but it was not forbidden to do so. It is for us to elect good people. If we send a person to the Parliament on the basis of empty sloganeering and not true service, we are to blame more than he. We should, therefore, carefully consider our duties and vote for persons of good character and can truly serve the country and faithfully articulate our sentiments.

Question

Can heads of state in Islamic countries be called Caliph or *Amīr al-Mu'minīn*? Is obedience to them obligatory even if they do not possess the qualities of a Muslim ruler?

Answer

I think we should look after our own business and not interfere in the affairs of others, specially when they are beyond our jurisdiction. What can we do if the ruler of a certain country pursues a particular path? We should concentrate more on our own duties and obligations. As regards the nomenclature of the head of state, there is nothing in the Qur'ān or the *Ḥadīth* to indicate who should be called by which designation. It is obvious, however, that the common head of the whole *ummah* is called a Caliph or *Amīr al-Mu'minīn*. The regional heads or rulers of small autonomous units are traditionally not called Caliph or *Amīr al-Mu'minīn*. But if they insist on being so called there is nothing to prevent them from using the title. There have been many such claimants. A few decades or so ago when democracy had not been introduced in Yemen, the ruler was called *Imām* and the people of the country addressed him as a Caliph and *Amīr al-Mu'minīn*. The kings of Morocco are still given these appellations, although these claims are not recognised beyond their own frontiers.

Question

Does modern democracy satisfy the criteria of Islam? If it is not consistent with the Islamic concept what are the changes one should bring about in the system although Islam does not equate an illiterate person with a scholar?

Answer

There is no fixed form of government in Islam. The Prophet (peace be upon him) refrained deliberately, in my view, from giving a clear elucidation about his successor. The idea was to leave every community, group or country of Islam free to determine its own response to the needs of its time. The order emerging from such a situation would not be eternal. A form of government will remain valid as long as the people want it. They will change it when they do not find it useful. On the contrary, our hands would have been bound if the Prophet (peace be upon him) had pronounced in favour of monarchy, democracy or some other form of government. The Prophet (peace be upon him) considered it politic not to impose limitations on his people. Under the circumstances, therefore, we may adopt monarchy, democracy or another form of government that suits us provided the officers of the state are God — fearing. And this is not only their duty but ours as well. Once someone made a critical statement to Caliph Ma'mūn that things were done differently during the regime of 'Umar. Mā'mūn came out with a lovely response: "I would do the same", he said, "if I can have the functionaries of 'Umar".

Question

Is there a provision for appeal in the Islamic system of judiciary? Kindly explain with examples.

Answer

No clear examples are to be found in the period of the Prophet (peace be upon him). Later, however, one comes across instances in which appeals against the order of a *qāḍī* or a regional ruler were taken to the Caliph who would in some cases order a change in the decision after hearing the plea.

An anecdote about Ma'mūn comes to mind. Once the people of a rural area waited on the Caliph and complained to him of the excesses of the local governor. The Caliph put on an appearance of being angry and said that he was personally acquainted with the governor who was justice personified, and so he did not understand how to entertain a complaint against him. An old peasant cautiously moved forward and submitted with folded hands: "If he is justice personified we do not want to monopolize him for it is necessary for the whole country to avail of his talent. He should, therefore, be cut to pieces and then distributed to every region." The Caliph laughed and suspended the governor.

Question

You said that a new consensus can cancel an old one and that no categorical precedent had yet been found. Possibly this is a situation in which utmost caution needs to be exercised. Cancellation of a consensus can create many a problem. Do you think that those who reject the possibility of cancellation are in the right?

Answer

You are possibly right but I did not say that you should do this. All that I said was that an extremely respected jurist of the early period who enjoys a pre-eminent status in the Ḥanafī school, has formulated the principle that a consensus may be changed. In cases where people did not find the requisite guidance in the Qur'ān and *Ḥadīth* they strove to find a new way for themselves through their own effort. Others agreed with them and the consensus became obligatory for everyone. But the law which emerged from the agreement was a man-made law, not a Divine injunction or a law given by the Prophet (peace be upon him). In later times people of an equivalent status were entitled to think for themselves and agree on a formula suitable for their own time. If others endorse it the formula will constitute a new consensus, rather than a violation of the old one. Everyone would act on the new consensus. It is difficult to say whether or not the new consensus will create difficulties. More difficulties, I think, will be created if an old law which has become impracticable is not repealed. There is no alternative but to change it and make a new law through consensus. And do not forget that a mere claim of consensus is not enough; a proof is needed as well, and it is not easy to produce it.

Question

Mu'ādh ibn Jabal exerted his own reason during the life-time of the

Prophet (peace be upon him) when the Qur'ān and religion were incomplete. Is it permissible to do so after the Qur'ān and religion have been completed?

Answer

In 9 AH when the event took place the Qur'ān was not hundred per cent complete but eighty or ninety per cent of it had been completed. The same is true of the *Ḥadīth*. If one did not at that time find an answer to a question in the two unfinished sources, one was allowed to exert one's own effort in this direction. The permission will apply after a hundred per cent of the Qur'ān and *Ḥadīth* has been completed. If a *qāḍī*, a *muftī* or a scholar of jurisprudence does not find a solution in the two sources, the Prophet (peace be upon him) has provided the remedy. In these circumstances we should resort to *ijtihād*. The decision we reach through this process will have the blessing of God. It will come to our mind through His grace for the Prophet (peace be upon him) himself said: "O Allah! I am happy at the answer of the messenger of Your Messenger!" We should not reject this permission but we should be happy at the facility provided us by God through His Prophet (peace be upon him). It is obvious that *ijtihād* is not necessary if we can discover the relevant law in the Qur'ān and the *Ḥadīth*. But even when a relevant Qur'ānic text is available, scholars may interpret it in different ways owing to variation in their intelligence and understanding. That is why the Prophet (peace be upon him), in reply to a question by 'Amr ibn al-'Āṣ, said that if a *mujtahid* makes an erroneous *ijtihād*, God will still give him one reward for the effort he had made.

* * * *

ELEVEN

REVENUE AND CALENDAR

The Qur'ān considers property a means of survival and support for mankind: ". . . your property which Allah has made for you a means of support" (4:5). Revenue from property is indeed important. From the very early times our jurists have written books on the subject such as *al-Kharāj* by Imām Abū Yūsuf; *Kitāb al-Kharāj* by Yaḥyā ibn Ādam al-Qurashī and *Kitāb al-Amwāl* by Abū 'Ubayd Qāsim ibn Sallām.

Many more books were written and a few have been published. With due deference to the early writers one is obliged to say that their works suffer from a drawback—they have ignored the historical point of view. They do not trace the evolution of the system. They fail to deal with the conditions as they obtained in Makkah before the Migration. What was the situation immediately after the migration to Madinah? How did it gradually develop and what was the shape it finally assumed? These questions are not answered. Both historians and jurists agree that *zakāh* became mandatory in 9 AH. But one is somewhat perplexed when one comes across the word *zakāh* even in verses which were revealed before the migration to Madinah. We shall try to grapple with this problem and determine how revenue and taxation began.

There are some hints in the Qur'ān about the genesis of *zakāh*. There is a verse, for example: "Pay His due on the day of harvest" (6:141). By "His due", here is meant *zakāh*. There are other verses where a number of words synonymous with *zakāh* have been used, the most common of them all being *ṣadaqāt*: "The *ṣadaqāt* (alms) are only for the poor and the needy" (9:60). Here the word *ṣadaqāh* does not indicate mere charity but *zakāh*. Similarly, in the following verse *ṣadaqāh* has been used in the same sense: "Take alms out of their wealth" (9:103). We also come across words like *infāq* and *naṣīb* at several places. They too indicate the same meaning. Sometimes one, and sometimes the other word is used in the same sense during the Makkan and Madinan periods.

However, there is nothing to prove that *zakāh* had been made mandatory during the Makkan period, nor is it clear that a scale had been fixed and that the Prophet (peace be upon him) had made arrangements for its collection and distribution. In our view *zakāh* began on a voluntary basis, with benevolence as the main driving force. The Prophet (peace be upon him) used to ask Muslims to spend a part of their income from trade, agriculture and other sources in the way of God. It would not be surprising that Muslims, of their own volition, began to offer contributions to the Prophet (peace be upon him) so that he could use the money according to his discretion. Muslims also used their own discretion in directly distributing the funds.

It was not clear, however, to whom these funds should be given. In the pre-Islamic days good people of means used to spend their money on good causes. Muslims continued the tradition. Islam retained good pre-Islamic customs. Initially, the word *zakāh* signified an act which purified the soul. The moral element was conspicuous whereas the element of legal compulsion and official pressure to contribute was missing.

When the public mind accepted that it was good to help other people, particularly the poor and the deprived, other elements gradually began to be added. When and to whom should it be given? What should be the rate at which *zakāh* should be levied? Which categories of people should be considered as deserving? These problems gradually began to resolve themselves. In Makkah *zakāh* was voluntary. No one was under any compulsion to contribute. It would be relevant to mention here that even the pagans had an institution somewhat similar to *zakāh*. They used to pay a part of the produce to their idols. They kept part of it for Allāh and gave part of it to idols. The Qur'ān taunts them in *sūrah al-An'ām* (6:136) that if by chance a part of the allocation for idols went to the part reserved for Allah, the pagans hastened to retrieve it and give it back to the idols. But if, on the other hand, a part allotted to Allāh for some reason, like a gust of wind, went to idols they allowed it to remain with them!

This was the situation in Makkah. Things changed with migration to Madinah. Both the number and the needs of Muslims increased. Money was required for defence. The resources also increased. There were many well-to-do Muslims of Madinah who pursued agriculture as a profession. They had sizeable income from orchards and land and could contribute a fixed part of their income on a regular basis. Moreover, an Islamic state was established in Madinah. But even then *zakāh* was initially a voluntary charity, not a fixed obligation. Gradually, relevant questions began to arise. When, to whom, and in what quantity was *zakāh* to be given? These questions were answered and eventually *zakāh* became a tax similar, in many ways, to modern taxes. If someone declines to pay a tax today his government compels him to do so. After the death of the Prophet (peace be upon him), and during the early days of his Caliphate, Abū Bakr waged a war on those who refused to pay *zakāh* and compelled them to comply with the law.

THE PROPHET'S MEANS OF LIVELIHOOD

When Muslims migrated from Makkah to Madinah their problem of poverty and unemployment was solved by the introduction of the institution of brotherhood which led to the creation of units that bound one Helper and one Emigrant together and resulted in the merging of their families into a single family. This joint family then lived and worked together. A question arises: how did the Prophet live? What were the means of his livelihood?

A Swedish Orientalist writes: "To begin with, Muslims were extremely poor. They indulged in loot. They had nothing to eat and were obliged to attack caravans. The Prophet used to send them on such expeditions." This is a very serious charge against Islam from the moral point of view i.e. Islam called upon others to be just and honest, but its adherents helped themselves by all means, including loot.

But there is no truth in the allegation. We have already noted that the Muslims of Madinah had their own means of livelihood. They had lands which they tilled and they had orchards. The Emigrants from Makkah followed their example. Some started trading. Those who were craftsmen worked as shoe-makers, carpenters, blacksmiths, etc. The means of livelihood of the Prophet (peace be upon him) in that period are generally not mentioned in history-books. It is necessary, therefore, to say something on the subject before we proceed further.

On arrival in Madinah from Makkah the Prophet (peace be upon him) stayed in Qubā in the south of the city. According to some accounts he stayed there for three weeks but we prefer the version of an historian who suggests that the stay lasted four days. He reached there on a Monday and left on Friday. He halted at noon and *en route* led a congregational prayer. He then moved forward to the settlement of Banū Najjār and stayed there in the house of Abū Ayyūb Anṣārī.

It is perfectly clear that during his initial stay for three or four days in Qubā the Prophet (peace be upon him) was entertained with great enthusiasm and respect by the local Muslims who offered him their hospitality. When he moved forward to Banū Najjār, his hosts there, according to *Ṣaḥīḥ al-Bukhāri,* belonged to the family of his maternal grandfather. The mother of 'Abd al-Muṭṭalib had been from Madinah. The Prophet (peace be upon him) was thus related to a family of Madinah. History provides evidence that the family of the Prophet (peace be upon him) kept in close and cordial contact with these relatives after the demise of 'Abd al-Muṭṭalib. Whenever 'Abbās, an uncle of the Prophet (peace be upon him), undertook a journey to the north i.e. Syria, he made it a point to stay with the family both while travelling to and returning from his destination.

Under the circumstances it is not surprising that *Ṣaḥīḥ al-Bukhārī* states that the Prophet (peace be upon him) stayed with Abū Ayyūb Anṣārī in the settlement of Banū Najjār because he belonged to his family through his maternal grandmother. If he was staying in his own family the question about his means of supporting himself did not arise. His relatives must have considered it an honour and a privilege to have such a distinguished guest with them.

The Prophet (peace be upon him) stayed there for a few months because he ordered the construction of a large mosque there. The number of Muslims was fast increasing all over Madinah. Those who offered prayers in their local mosques now began to visit the mosque of the Prophet (peace be upon him) for they were anxious to pray behind their leader. A small mosque could not have been adequate. The construction of a large mosque, therefore, began. A few residential rooms were provided for the Prophet (peace be upon him) in this mosque. They were not many to begin with because the Prophet (peace be upon him) was accompanied only by one wife i.e. Lady Sawdah. A few days later the second wife, 'Ā'ishah, to whom he had been married earlier, also arrived. Each needed a separate room. The two daughters of the Prophet (peace be upon him) viz. Lady Fāṭimah and Lady Ruqayyah were accommodated in one room. Later, however, the number of residents decreased for the girls were married away. But more accommodation became necessary when the number of the Prophet's wives increased. At the time of his death he had nine wives and a slave girl — Mary, the Copt. Some explanation is required in this context. As far as Mary is concerned it is established that she did not live in the rooms attached to the mosque but had a separate house at some distance from the mosque. Lady Ṣafiyyah also had a separate house of her own. Lady Sawdah occupied a room attached to the mosque, while another room was shared by the two daughters of the Prophet (peace be upon him). A third room was built for Lady ‘Ā’ishah. In the beginning, therefore, only three rooms were built when the Prophet (peace be upon him) shifted there from the house of Abū Ayyūb Anṣārī.

What were the Prophet’s means of livelihood? Most of the Helpers (*Anṣār*) in Madinah who were prosperous farmers had earmarked a fruit tree in their gardens for him. This was done with the Prophet’s consent. All the dates of these trees were sent to his house every season. If they were in excess of the family’s requirements they were distributed among the poor and were served to the guests. This was standard practice. Muslim historians and traditionists often quote from Lady ‘Ā’ishah that sometimes the family had to be content with dates and water for months and no food was cooked in the house. The tradition probably relates to the period when the Prophet (peace be upon him) had no means of income except date trees. Gradually the number of wives increased and so did the needs of the family. The Prophet (peace be upon him) bought a few goats whose milk was consumed by the household. Sometimes a she-camel or a goat was gifted by people who considered it an honour to offer a present. The Prophet (peace be upon him) occasionally accepted it.

In the beginning he had one goat. The number later increased to ten. He had one she-camel, the number later increased to four. There was a grazing ground in the suburbs of Madinah. A Companion voluntarily tended the cattle and daily took the milk to Madinah. The Prophet’s household used this milk. Similarly Sa‘d ibn ‘Ubādah, a member of Banū Najjār, and a close relative of the Prophet (peace be upon him) from his mother’s side, regularly sent some food — dessert, vegetable, meat — to the house. He was a rich man who sometimes entertained as many as eighty persons to a meal at his house.

The Prophet (peace be upon him) did not like to eat by himself. He always invited the people who were present to join him in the meal which consisted of dates and dishes prepared at home or received from friends. Soon a small means of income was added. From the month of Ramaḍān 2 AH began series of battles with the enemy. Of the spoils of war, one-fifth went to the state treasury while four-fifth was distributed equally among the soldiers. The Prophet (peace be upon him) participated in most of the battles. He had then two sources of income: one, as a soldier who was entitled to an equal share with others; and two, as a head of the state to whom one-fifth of the spoils were given. He could distribute them at his discretion. But he did not spend a penny for private purposes and kept reserve which was spent on public works such as defence, purchase of arms, etc. However, if some provisions were occasionally needed in the household, they were provided with the permission of the Prophet (peace be upon him) from that porition of funds in the public treasury which had been earned from the spoils of war.

But the *zakāh* funds could not be used under any circumstances for the person of the Prophet (peace be upon him), his family and the tribes of Banū Hāshim and Banū Muṭṭalib. No other system except Islam forbids the use of state income to a ruler for his private purposes. The Prophet (peace be upon him) could only spend on his person part of the income received as spoils from the battles with the enemy. The words: "Say, the spoils belong to Allah and the Messenger" (8:1), cover only the spoils of war. "And know that whatever you take as spoils in war, a fifth thereof shall go to Allah and to the Messenger and the needy and the wayfarer..." (8:41). The Prophet (peace be upon him) could spend a part of the spoils of war on his person but not a penny from *zakāh*.

These were the constraints with which the Prophet (peace be upon him) lived in Madinah. In Makkah, however, he had inherited property of his own as well as the property of his wife. And he himself was a trader. The situation was different in Madinah. He was a guest in the initial stages of his stay. Later he had permanent means of income through gifts assigned to him e.g. date trees. After some time spoils of war became another source of income. Soon after the Battle of Badr followed the Battle of Uḥud. Muslim historians have recorded that a Jew called Mukhayrīq embraced Islam. He willed that in the event of his death in the battle all his orchards in Madinah should be given to the Prophet (peace be upon him). He had seven orchards whose income was exclusively reserved for the Prophet (peace be upon him). Thus came to end the economic difficulties of the early period in Madinah.

SOURCES OF STATE REVENUE

The government laid down a law that all prosperous Muslims should help their Muslim brothers. To begin with, the order ordained only charity but later the same charity was converted into a tax. We should reiterate that only one-fifth of the income from the spoils (*ghanīmah*) of war came to the state. But the entire income from the *fay'* went to the treasury. What is *fay'*? In the words of the Qur'ān: "You urged neither horse nor camel for that" (59:6). If without a war an enemy agrees to sue for peace and cedes an annual tax, all the income accruing from such arrangements is called *fay'*. The question of its distribution does not arise. Together with these two sources of income there is a third one called *zakāh*. If someone owns wealth in excess of his needs and that surplus wealth remains with him for a whole year, he is liable to pay *zakāh*. If, for example, we have a hundred thousand rupees today in excess of our needs but spend it in a few days, weeks or months, it would not be considered surplus wealth. The law in Islam stipulates that the sum above the minimum expenditure remaining for a whole year with the owner becomes liable to a charge of two and a half percent which goes to the government.

The rates of *zakāh* are not uniform. There are different rates for different commodities. Money, gold and silver are taxed at the rate of two and a half per cent per annum. Agricultural produce is taxed at the rate of ten per cent. This is the *zakāh* on land which is now called land revenue. A person owning a silver or a gold mine will have to pay at different rates. Cattle owners have another tariff. On goats, one may say, the tax is one per cent. The rate at which *zakāh* is levied on cows and camels is a little more complex.

Occasionally we come across another source of revenue — *zakāh* levied on trade, minerals, etc. Without going into details, a peculiar and a distinctive contribution of Islam is noticeable. Other religions before it mentioned items on which taxes are to be levied but they omitted to indicate the purposes on which the income is to be spend. The expenditure is left entirely to the discretion of rulers who generally spent it on their personal comfort and luxury. The Qur'ān, as far as we know, is the first religious scripture which, while it does not provide elaborate details as to the sources from which revenue ought to be derived, provides considerable guidance as to the items on which it ought to be spent. For example, we know from the verse "pay His due on the day of harvest" (6:141), that *zakāh* is due on agriculture. The word used, however, is "due", which does not indicate the rate (two and a half per cent, or ten per cent, or fifty per cent). Such details are available in the *Ḥadīth* for the Qur'ān does not lay down detailed directives about the sources of income.

In fact, if our interpretation is correct, the Qur'ān leaves it to the discretion of the state to reduce or increase the rates to be levied. We can levy taxes on items other than those mentioned in the Qur'ān (agriculture, trade, etc.). If, for example, a place abounds in fish or honey-bees which provide commercial income, a part of it will become due to the government. All these taxes will be regarded as *zakāh*.

ORDERS ABOUT *ZAKĀH*

There are clear and precise Qur'ānic orders about *zakāh*. The well-known verse in *sūrah al-Tawbah* lays down the law on the subject: "The alms are only for the poor and the needy, and for those employed in connection therewith, and for those whose hearts are to be reconciled, and for the freeing of slaves, and for those in debt, and for the cause of Allah, and for the wayfarer" (9:60).

The income from "alms" i.e. *zakāh* is to be spent, first of all, on the poor and the needy. This category is followed by those employed in connection with the collection and distribution of *zakāh*. The next groups comprises people whose hearts need to be won over. This could be propagation of Islam or secret funds which governments spend quietly in public interest. And then follow slaves — and these include the slaves found in the Islamic realm as well as those Muslim or non-Muslim citizens of an Islamic state who have been captured by an enemy and for whom ransom is to be paid. After slaves, a category called *ghārimīn* is mentioned. They are the people who were once prosperous but were rendered destitute owing to some serious financial loss or some other calamity. Suppose, for example, that someone kills a person by mistake, and has to pay for ransom money which he cannot afford for he is penniless. It is the duty of government to help us so that he could meet his obligations.

After this category are mentioned those "in the way of God". It is amazing that the expression has been taken to mean defence, security and the maintenance of the army, but not of mosques. And last comes the wayfarer or literally "the son of the way", a traveller *en route* his destination. Modern governments impose taxes on such travellers but the Islamic law provides for their hospitality and facilities for boarding and lodging.

Having mentioned these eight items the Qur'ān says that, "this is an ordinance from Allah". In other words, the policy to regulate a government's budget has been laid down, and eight categories to which *zakāh* funds should be devoted have been determined. Shāfi'ī states that one eighth of the entire revenue from *zakāh* should be allocated to each one of the eight categories. This, however, is not the view of other *imāms*.

What is meant by the first two categories viz. the poor and the needy? On the face of it, they are synonymous. But there is a difference of opinion on this issue. When the difference arose, Shāfi'ī pointed out that God had divided the expenditure into eight categories. In His infinite Mercy He wanted the poor to have a double share and that is why two terms have been used i.e. 1/8th for the poor and 1/8th for the needy. This means that a quarter of the entire sum should be spent on the poor. But this is merely an academic exercise mentioned in connection with academic debates.

One aspect is, however, extremely important. It appears from the works of Muslim jurists that *zakāh* cannot be given to non-Muslims. It is restricted only to Muslims. This was not the view of eminent and highly revered personalities in early Islam. Abū Yūsuf writes in *Kitāb al-Kharāj* that ‘Umar used to help Jews from *zakāh* funds during his Caliphate. It is related that he once came across a beggar in a street of Madinah and was shocked to see one in his regime for it was the duty of the state to take good care of all such persons. On being asked, the beggar disclosed that he was a Jew who once paid taxes (*jizyah*). He had his own business but having grown old could not work any more and had to beg in order to pay *jizyah*.

‘Umar was deeply moved and immediately ordered that no *jizyah* should be charged from him and he should be given a stipend. His words are: "He is a poor man from the People of the Book, and should be given adequate aid from *zakāh* funds." Ṭabarī has mentioned other Companions such as Zayd ibn Thābit, Ibn ‘Abbās, etc., as holding the view that *zakāh* may be given to non-Muslims. Some early authorities even go so far as to say that by the poor (*fuqarā’*) are meant the poor Muslims, and by the needy (*masākīn*) are meant the poor non-Muslim subjects of the Muslim state.

In any case, this is the first category. The next category (*al-‘āmilīn ‘alayhā*) comprises the civil servants employed to collect and distribute *zakāh*. It will not be surprising if we interpret it to mean the entire structure of civil administration because collectors, accountants, auditors, distributors, supervisors are all involved in the task. We can say that the salaries of the entire civil administration should be met from *zakāh*.

Then comes the category of those who need to be won over. Abū Ya‘lā al-Farrā’ al-Ḥanbalī, a distinguished scholar, who was a contemporary of Māwardī, has written a book which, like that of Māwardī, bears the same title *al-Aḥkām al-Sulṭāniyyah*. He is fearless and forthright. In a detailed discussion of the category he has divided it into four classes. The first comprises people who are paid to help Muslims. The second consists of those who are paid so that they are persuaded to refrain from harming Muslims. In ordinary circumstances they are capable of harming Muslims but they may be paid to keep them neutral in a war. The third category consists of those who may be provided financial assistance in order to soften their attitude towards Islam. The fourth category comprises those who are provided funds in order that this show of goodwill will soften the attitude of their near-relatives, families and tribes towards Islam. After mentioning these categories Abū Ya'lā adds that *zakāh* funds under this category may be spent on Muslims and non-Muslims alike. He explicitly says that *zakāh* could be given to both.

As regards the freeing of slaves, the government has a responsibility towards the slaves living in the Islamic territory as well as the citizens who have been made prisoners or slaves by another state. A letter written by 'Umar ibn 'Abd al-'Azīz to his governor in Yemen has been quoted in detail in the *Ṭabaqāt* of Ibn Sa'd. In this letter the Caliph directs the governor to spend the requisite amount from *zakāh* funds in order to secure the release of citizens, Muslim or non-Muslim, from the enemy. Thus there is no distinction between the two in respect of ransom to be paid to the enemy. As we have already seen, Caliph 'Umar held that all the needy and the poor could be helped from *zakāh* irrespective of their religion. The same principle prevails in respect of those "whose hearts have to be reconciled".

And those in debt — *al-ghārīmīn* — are the people who suddenly become destitute and are unable to discharge their obligations e.g. a person who has lost his possessions during a journey, because of a flood or an earthquake. A prosperous person who has been temporarily rendered helpless can be helped from *zakāh* funds. Caliph 'Umar added a new dimension to this institution. Instead of outright grants he used to give loans to help people meet an emergency. These loans, of course, carried no interest. He used occasionally to avail himself of this concession. His income from his own salary was very low. It seems that salaries were not disbursed every month but bi-annually. He used to pay his debt when he received his dues. Other people made use of this concession for which sanction was derived from the word *gharimtīn* used in the verse.

The category covered by *fī sabīl Allāh* (in the way of God) is applicable to the entire military administration. It includes salaries of soldiers, expenditure on purchase of arms and other military requirements. The building of mosques, caravanserais, schools, etc., also fall, in my opinion, in the same category.

The last category — *ibn-al-Sabīl* — the wayfarer, can be any traveller, Muslim or non-Muslim. No distinction need be made while offering help or hospitality. It is the duty of the state to help every traveller. We may extend this category to cover the entire tourist traffic. This will include building of roads and bridges, employment of police to maintain law and order, and provision of security of life and honour, supervision of the market to prevent black marketing and fraud, and arrangements for the supply of healthy food, etc. All these functions will fall under this category.

We know that our contemporary jurists will not agree that non-Muslims may receive *zakāh*. They are welcome to their view. We would reiterate, however, that a Caliph like 'Umar used to help Jews and Christians from this fund. We have earlier mentioned the case of a Jew in Madinah from *Kitāb al-Kharāj* of Imām Abū Yūsuf. Balādhurī has recorded that during his journey to Syria, 'Umar ordered help for poor and needy Christians. According to Abū 'Ubayd's *Kitāb al-Amwāl* (see sentences 1996–1997), the *ṣadaqaṭ al-fiṭr* was also given to Christian monks.

CURRENT CONCEPT OF *ZAKĀH*

A question now arises: when did we develop the current concept of *zakāh*? We seem to believe that *zakāh* means payment of two and a half per cent of our savings towards the end of the year to the poor individually rather than that it means the payment made to the state. During the days of the Prophet (peace be upon him) it was the state which collected *zakāh*. The battle with the apostates during Abū Bakr's regime was fought on this issue for the people did not want to pay *zakāh* to the government. Abū Bakr compelled them by force to do so.

How, then, did the practice change later? History traces it to the regime of Caliph 'Uthmān. By 27 AH Muslim armies had reached Europe – Andalusia and France – on the one hand, and were knocking at the gates of China on the other. Within only fifteen years of the Prophet's death the Islamic state had spread to three continents – Europe, Africa and Asia. The overwhelming majority of the population was non-Muslim. The number of Muslims was small. We reckon that the Muslim population was no more than one per hundred square miles. A sudden conversion of the mass of population cannot be expected. Under the circumstances a very elaborate and expensive administration would be required to collect *zakāh* from the three continents. The expenditure would have considerably exceeded the income.

‘Uthmān’s finance minister must have suggested to him, therefore, that it should be left to Muslims to directly disburse *zakāh* which they knew was their religious obligation. They should be asked to distribute it on their own in accordance with the injunctions of the Qur’ān. Had the government wanted to keep control over it the expenditure would have been forbidding and no sensible finance minister would have accepted it.

Perhaps it was under these circumstances that it was decided during ‘Uthmān’s regime that the government would continue to collect *zakāh* on agriculture, mining, etc., but would leave cash, gold and silver to the individual discretion of Muslim citizens who should distribute the sum in accordance with the Qur’ānic injunction. The result was that we gradually forgot the meaning of *zakāh* as it was understood during the days of the Prophet (peace be upon him) and his two successors. We began to look upon it as merely a charity which had to be given, once a year, on one’s savings to the poor, even though the categories covered by the Qur’ān are not confined only to the poor.

TAXES PAID BY NON-MUSLIMS

We have so far dealt with taxes paid by Muslims. How about non-Muslim subjects of a Muslim state?

In the early phase i.e. the period covered by the Caliphates of Abū Bakr, ‘Umar and ‘Uthmān, a conquered country was required to pay a specific sum annually to the Muslim state. The amount was clearly stated in the treaty signed with the subjugated state. A representative of the government used to collect the sum which was given the name of *kharāj* (tribute). It applied to agricultural land and other items.

Non-Muslims were also required to pay *jizyah*. It has been ordained by the Qur’ān (9:29). The tax was initially presumed to be due only from the People of the Book i.e. Jews and Christians, but later, during ‘Umar’s regime, it was extended to cover Zoroastrians. During ‘Uthmān’s regime the Berbers of North Africa, who were idol-worshippers, were also included in this category. Later, with the conquest of Sind, Hindus and Buddhists also fell in the same category. Other taxes were also taken from non-Muslim subjects, sometimes at a somewhat higher rate than was applicable to Muslims. Muslim traders, for example, paid a poll-tax of two and a half per cent; non-Muslims paid at the rate of five per cent. In the case of non-Muslim foreigners the rate was ten per cent. ‘Umar reduced import duty due from foreigners from ten to five per cent in order to reduce the burden of high prices on the people.

In respect of *zakāh* on gold, silver, and cash savings, it was levied on Muslims but not on non-Muslims. The reason in our view was that non-Muslims enjoyed internal autonomy. All non-Muslim subjects such as Jews, Christians, Zoroastrians, etc., enjoyed complete freedom of religion. These communities needed money for this purpose. Instead of paying to the government, therefore, non-Muslims paid taxes to their religious leaders to meet the expenses of religious obligations. One of the reasons why taxes on cash, gold and silver were levied on Muslims was to ensure that money remained constantly in circulation and thus be beneficial to the national economy instead of remaining idle. The *zakāh* was, therefore, an antidote to hoarding.

PROBLEM OF CALENDAR

We should like to touch briefly on the problem of calendar for our writers today seem to pay little attention to its importance. Before Islam, the Arabs had a solar calendar as they do today. Seasons have fixed months in the Western system but the Arab system was different. Months began and ended in accordance with the appearance of the moon. Six months of a lunar year are usually of twenty-nine days and the other six of thirty days. The total number of days in a year was about 354. The difference in seasons was due to the revolution of the earth around the sun. It is completed in 365 or 366 days.

When the Babylonians discovered that the lunar year was shorter than the solar one by eleven or twelve days they adopted the solar system. They noticed that while working according to the lunar year, the sowing and the reaping period remained inconstant with the result that the people who paid taxes after the reaping of crops suffered a loss. The solution they found for the problem was to add a thirteenth month to the year after every three years. Since a lunar year is shorter by eleven days than a solar year, the difference would be 33 days after three years. This would approximate to a month. That is why after every three years a month was added to the calendar in Babylon. Two years were of twelve months while every third year had thirteen months.

After some experience it was realized that the almanac was not correct. If the lunar year is shorter than the solar year by twelve days one would need to add thirty six days after three years. The addition of the thirteenth month to the calendar would account for only twenty-nine to thirty days. Based on their research they improved their system and determined that a month would be added to the calendar after a particular period of time after which the thirteen month would be added after two years instead of three.

Thus they succeeded in deriving the same benefit from the lunar months as they would have through a solar system so far as their agricultural needs were concerned. The same system operated in the city of Makkah. This system of adding a month to the calendar was referred to as *nasī'*. Because of *Ḥajj*, the entire Arab peninsula acted in accordance with it. The Prophet (peace be upon him) spent all but the last three months of his life under this system. The last three months were an exception because *nasī'* was abolished according to the Qur'ānic injunction at the time of the Farewell Pilgrimage of the Prophet (peace be upon him). "Surely *nasī'* is an addition to disbelief. Those who disbelieve are led astray thereby. They allow it one year and forbid it another year, that they may agree in the number of months which Allah has made sacred, and thus may make lawful what Allah has forbidden" (9:37).

The cancellation of *nasī'* took place during the month of Dhūl al-Ḥijjah, three months before the Prophet's death. The critics of Islam dubbed it an "immature amendment". They called it immature because with the restoration of the lunar system, the government could face problems in the field of taxation. For example, it was decided that land revenue would be paid every year during the month of Ramaḍān. The first two years would offer no problem but later, with a gradual increase in the difference of days, a situation would arise when the harvest would not be ready to be reaped in the month in which the taxes were to be paid.

Due to this conceptual difficulty it was presumed that the reform was a form of subversion. But the custom in vogue during the Prophet's period made it abundantly clear that it was not so. Although the abolition of *nasī'* was proclaimed in Dhū al-Ḥijah 10 A.H. an alternative system had already been set into motion. We find clear hints to this effect in various letters of the Prophet (peace be upon him). Deeds were given to various tribal leaders. In the agreements signed with them it is clearly stipulated that they would pay agricultural *zakāh* at the time the harvest is reaped and not during a fixed month such as Ramaḍān or Shawwāl.

REFORM IN THE CALENDAR

The greatest difficulty in the lunar calendar is that it is not suitable for agricultural purposes. The Prophet (peace be upon him) found a solution for it. He laid down that the rural population would pay taxes at the reaping of harvests regardless of the calendar month. This was the end of all difficulties. As regards other taxes levied on trade, minerals, etc., the government gained a great deal owing to the reform in the calendar, i.e. the adoption of the lunar one. Since the lunar year is shorter than a solar year by eleven days, a government which observes the solar system will receive taxes thirty times in thirty years while the one which goes by the lunar calendar will receive taxes thirty-one times during the same period. Every thirty years, therefore, such a government will secure one year's additional revenue. Is there a finance minister who will not wish to have additional income?

With the change of calendar a measure of decentralization comes into being. Taxes on some items are received in one season while taxes on other items are received at another time. This could also be beneficial for the government. The treasuries of today get empty before the new budget year begins and governments sometime do not have enough even to pay salaries to civil servants. They issue debentures and secure short term loans to meet their immediate needs. When the treasury is full the debts are paid off. The reason for this phenomenon is the fixed time for receipt of taxes. Under the lunar system an Islamic government receives taxes at different times throughout the year. Agricultural taxes are received in a particular season while other taxes follow a different schedule with the result that the treasury is not empty at any time of the year. This is not true of a solar year. At present all Muslim countries have adopted the Gregorian calendar. Even in this system, which is aided by highly developed technology, fluctuations in time are already taking place. It is said that there will be a difference of a day after every thousand years. ‘Umar Khayyām had once perfected a system of his own according to which the difference of one day only would appear after every hundred thousand years. His system was more complicated but under it hardly a day's difference occurred after a hundred thousand years.

QUESTIONS AND ANSWERS

Question

Can the government levy property tax in addition to *zakāh* and *‘ushr*?

Answer

Islamic governments know by their experience of over a thousand years that the revenue derived from *zakāh* and *'ushr* is not enough to meet their requirements. In their own day they levied additional taxes with the unanimous consent and approval of jurists. They were called *nawā'ib* which means taxes imposed temporarily to meet immediate needs. In practice such temporary taxes become permanent; but the idea is that they do not assume the status of *zakāh*, which is permanent, but remain temporary in nature. If *zakāh* and *'ushr* are considered insufficient to meet the needs of the state under a set of circumstances additional taxes under the category of *nawā'ib* may be levied. But a decision to this effect will be taken by the finance ministry of the government and the parliament because *nawā'ib* are not obligatory; they are merely permissible.

Question

Discrepancy in the rates of poll-tax charged from Muslims and non-Muslims is apparently an act of discrimination. Could you kindly comment?

Answer

The point has rankled me too. I have given it thought for quite sometime and I give you the answer that occurred to me. The same answer was given to an Italian professor of Jewish descent. He was highly critical but then conceded that it would be difficult for any rabbi to resist the force of logic. The answer was that certain restrictions have been imposed on Muslims which are not applicable to non-Muslims since the Islamic law grants complete internal autonomy to non-Muslims. In maters of trade and business too then one not bound by some restrictions which the Muslims are required to follow. Likewise, non-Muslims are exempt from the payment of *zakāh* and they are not required to render military service. In view of these privileges it would not be unfair if a non-Muslim is charged a higher rate of poll-tax. Experience has proved that notwithstanding a higher rate of this tax, non-Muslims have been better off.

Question

Is *zakāh* a tax? If so, does the head of state have the power to change its rates?

Answer

I have myself used the word tax in my lecture. The word is fully applicable to *zakāh* if it means that we charge a particular sum during a fixed period at a fixed rate on a fixed item and we may compel even those who decline to pay it. I have already stated that a glance at the history of *zakāh* suggests that it was voluntary in the beginning but was gradually made obligatory by the Qur'ān. The Prophet (peace be upon him) fixed the period and the rate of payment and collected it compulsorily.

The conduct of Abū Bakr made it clear that in the event of refusal it could be collected by the use of force. These are exactly the elements of a tax. It would not be wrong, therefore, to call *zakāh* a tax, even though it is not a particularly good word. To tax someone means to bother that person. That is why a better word — *zakāh* — which means 'to purify', has been used. It is obligatory on me to pay the share of the people from my property in accordance with Divine injunctions. Only the words are different although the content is the same.

Can the rate of *zakāh* be changed? Our jurists are of the opinion that the rate fixed by the Prophet (peace be upon him) should not be changed. New taxes under the category of *nawā'ib* may be levied to meet contemporary demands. Our law comprises commands of God and the Prophet (peace be upon him). Hence, in the opinion of Muslim jurists, nobody has the right to change them nor has such a need arisen so far; nor is it likely to arise in that our governments will never declare that the *zakāh* is a heavy tax and should be abolished or reduced. On the contrary, we need more than we receive through *zakāh*. That is why additional taxes called *nawā'ib* may be levied.

Question

Planning is done years in advance in modern times while the Muslim calendar is dependent on the appearance of the moon. The lunar system lacks precision or exactness. Different dates appear on the same day in different countries. The festival of *'Īd* is observed on different days in the Muslim world. How does one overcome such a difficult situation which is out of tune with modern requirements?

Answer

Many issues have been mixed up in this question. I shall try to tackle each of them separately. If you plan years in advance the solar or the lunar system makes no particular difference. The difference of time in a five year plan will be no more than a few days. All that we need to determine is our priority for the next five years. I see no difficulty in this regard.

I have also stated that consistent with the custom prevailing during the life of the Prophet (peace be upon him), we can also use the solar system because he told some tribes that *zakāh* would be received from them at harvest time and not during the fixed month. In other words, the solar system may be used.

As regards the observance of ʻĪd, I do not think it matters much whether *ʻĪd* is observed on Thursday in Pakistan and on Friday in Bangladesh. The real issue is whether or not we carry out the commands of God and the Prophet (peace be upon him) in all sincerity and humility. The day on which we discharge our obligation is not important. There is a difference of an hour in time between Pakistan and Bangladesh. At the time of Maghrib prayers in Pakistan, the people of Bangladesh are engaged in ʻIshā' prayers.

This is not a new issue. It has always been there. During the days of the Companions the problem of appearance of moon on different days in different places came to the fore. It is related in the *Sunan* of Abū Dā'ūd that someone was sent from Madinah to see Muʻāwiyah in Damascus. He stayed there for the whole month of Ramaḍān. He made a statement to ʻAbd Allāh ibn ʻAbbās that the moon had been sighted a day earlier in Damascus. ʻAbd Allāh ibn ʻAbbās replied that the Prophet (peace be upon him) had ordered that people should act according to the local appearance of the moon, even though its appearance at another place was certified by the Caliph himself.

Under the circumstances, therefore, if we observe the moon in different places on different days, there is no harm in the observance of *ʻĪd* on different days. What is important is that it should be observed and prayers should be offered. Importance should be given to prayers, not to the day. Insistence on creating uniformity in this regard, in my view, is unproductive.

* * *

TWELVE

PROPAGATION OF ISLAM

There are two aspects of the Prophet's life which are basically the same i.e. the propagation of Islam and his treatment of non-Muslims. The treatment of non-Muslims in early Muslim society was determined partly by the Prophet's own attitude towards them and partly by the instructions contained in the Qur'ān. So far as we know no exhaustive work has so far been produced on this subject. We shall try, therefore, to trace historically the Prophet's reaction to the first revelation and how he communicated the message to others. We shall also see how people reacted to it. Moreover, we shall also attempt to study the Prophet's own attitude, how he faced the opposition and what were the consequences of those actions from the historical point of view. Significantly, the first revelation did not demand propagation. There was a pause of three years after the first revelation. Despite the long pause and the fact that the first revelation (96: 1–5) did not demand proselytiztion, the message began to be propagated.

FIRST REVELATION

At the time of the first revelation, the Prophet (peace be upon him) was in the cave of Ḥirā'. It was the month of December and it was very cold in Makkah. Immediately after the revelation was over the Prophet (peace be upon him) returned to the city. On reaching his house he addressed his wife, saying: "*Zammilūnī, Zammilūnī*" ("wrap me up, wrap me up"). It is obvious that she complied with the request. Due partly to extreme cold and partly to fear provoked by the appearance of Gabriel and all that followed, the Prophet (peace be upon him) had been shaken.

Soon, after the Prophet (peace be upon him) had overcome this feeling, he narrated whole incident to his wife and concluded his account with the question: "Was it not the work of Satan? Have I become a diviner even though I have always condemned those who claim to be one?" She assured him that it was not so because he had helped people throughout his life; he had always provided the poor and the needy; he had always looked after orphans and widows; God would not, therefore, abandon such a person, and He would surely not surrender him to Satan. The wife then stated that her first cousin, Waraqah ibn Nawfal, was very knowledgeable in such matters. He would fully explain the phenomenon to him the next morning when they proposed to visit him. Then follow two versions. According to one, Khadījah took the Prophet (peace be upon him) to her cousin Waraqah ibn Nawfal who was a Christian. According to the other version, Abū Bakr came to visit the Prophet (peace be upon him) as usual in the morning when Khadījah narrated to him the facts of the case or she requested the Prophet (peace be upon him) to narrate them to Abū Bakr. She then sent both the Prophet (peace be upon him) and Abū Bakr to Waraqah ibn Nawfal of whom it is said that he had lost his eye-sight owing to old-age. After hearing the Prophet's account he exclaimed: "If whatever you have stated is true, it resembles the *nomos* of Moses. If I am alive by the time your nation treats you badly and exiles you from the city, I will support you and strive to resolve your difficulties." The Prophet (peace be upon him) asked: "Will the people treat me cruelly because I convey to them the message of God? Will they persecute me and exile me on this account?" Nawfal said: "Yes, they will. There has been no Prophet who was not persecuted by his people."

What is the significance of the word *nomos* used by Waraqah ibn Nawfal? Some scholars suggest that the word is used for reliability and integrity. This does not seem to suit the context. We could perhaps suggest another meaning. Waraqah ibn Nawfal had embraced Christianity. It is stated by Bukhārī that he knew Syriac and had translated the Bible from Syriac into Arabic. Is it not possible, then, that a Greek word was then in use in the Syriac language? In Greek, the Torah is called *nomos*. What Waraqah really meant was that the message revealed to the Prophet (peace be upon him) resembled the Torah. The word *nomos* fits in eminently in this context, and seems more suitable and reasonable than other explanations.

It is difficult to say what the Prophet (peace be upon him) did after his meeting with Waraqah ibn Nawfal. He probably reiterated the fact of revelation to various people who saw him. We should complete the story of the first revelation by adding some minor details available in al-Balādhurī's *Ansāb al-Ashrāf*. It is recorded that after having conveyed the first five verses of *sūrah al-'Alaq*, Gabriel taught the Prophet (peace be upon him) how to clean his body after answering the call of nature. Then he told him about ablutions which prepared a man physically as well as spiritually for the act of worship. Gabriel then led the prayer and the Prophet (peace be upon him) prayed behind him. After that Gabriel left.

We should not be surprised under the circumstances when biographical accounts about the Prophet (peace be upon him) mention him as occasionally praying publicly along with his wife Khadījah in front of the Ka'bah. The way he prayed was different from that of the Makkans who were surprised at his new postures. The Qur'ānic verses which condemn idolatry had not been revealed until then. The new religion, while causing surprise, had not yet provoked angry retaliation. In any case there were no more than three Muslims at that time — Khadījah, Abū Bakr and 'Alī, the young cousin and adopted son of the Prophet (peace be upon him). Then followed Zayd, the Prophet's freed slave. This was the vanguard of Islam.

PREACHING TO NEAR KINSMEN

It was not before three years after the first revelation that the Prophet (peace be upon him) was asked to preach to his near relatives: "And warn thy nearest kinsmen" (26:214). In compliance with the Divine command he adopted a new way of propagation. He asked 'Alī to buy some provisions and requested his wife to make arrangements for a feast. He then despatched 'Alī to the houses of various relatives and asked them to a meal. The food was scanty and the guests were many (between thirty and forty people). And yet everyone ate heartily. Seeing this miracle Abū Lahab caustically remarked that the host was a magician! The Prophet (peace be upon him) was deeply hurt but did not say anything.

A few days later he arranged another treat. On this occasion he came out with a sermon. He requested the guests to stay on after the dinner for he wanted to say something. Everyone was curious why they had been invited. After the meal was over the Prophet (peace be upon him) dilated on the evils of idolatry and the significance of the unity of God. Then he touched on life hereafter and man's accountability to God. He dwelt briefly on the fundamental principles. The account of Ṭabarī in this regard is interesting. He states that the concluding sentence of the Prophet's sermon was probably to the effect that whoever accepted his invitation to faith would one day be his caliph. It is said that 'Alī, who was a young lad at the time, stood up and declared his acceptance of Islam. Abū Lahab, the Prophet's uncle, laughed loudly, clapped his hands and said to Abū Ṭālib: "Congratulations! From now onwards you are a subordinate of your son!" Abū Ṭālib was embarrassed. He did not find it possible for the rest of his life to accept the prophethood of a nephew.

PREACHING TO A WIDER AUDIENCE

After sometime the second revelation urging propagation was received: "So declare openly that with which thou art commanded and turn aside from those who ascribe partners to God" (15:94). The Prophet (peace be upon him) felt some kind of an awe at this command. The whole city worshipped idols. Were he openly to condemn them as false and assert that their idols could not provide them with security and salvation, he would provoke the hostility and ridicule of all the people. Gabriel assured him that in such a situation God would protect him and not abandon him.

The Prophet (peace be upon him) then went out of the city. He climbed a hill. Standing on top of a high cliff he summoned the people as if an emergency had suddenly arisen. They came running to him. He announced that he wanted only to address a particular tribe. Those who did not belong to the tribe in question left. Then he named a branch of the tribe and said that he wanted to talk only to that branch. In short, he addressed a limited audience instead of speaking to the whole city.

His address on the occasion was somewhat along the following lines: "O brothers, would you believe if I say that there is an army behind this hill and it waits to attack you?" Their reply was that they had not yet heard an untruth from him and that they would readily believe him if he made a statement that the enemy was in fact camping there. The Prophet (peace be upon him) then said that he warned them of a much greater army and that was the retribution and terror of Allah in case they insisted on denying Him and pursued idol worship. In that event Allah would consign them to Hell after death.

Among others that day, the uncle of the Prophet (peace be upon him), Abū Lahab, was also present. He asked in a rage: "Was it for this useless sermon that you wasted our time?" He then left and others followed him.

ABŪ LAHAB'S OPPOSITION

It would not be out of place here to examine why Abū Lahab hated his nephew. Balādhurī relates an incident in *Ansāb al-Ashrāf.* The two brothers, Abū Lahab and Abū Ṭālib, once quarrelled over a trivial matter. Abū Lahab flung his brother flat on the floor, pounced on his chest and slapped him. The Prophet (peace be upon him), who was a ward of Abū Ṭālib after the death of his grandfather, ran to his rescue and pushed away Abū Lahab from the chest of his brother. Abū Ṭālib got up and settled his score by pushing down Abū Lahab and sitting on his chest. The Prophet (peace be upon him) kept watching the scuffle. Abū Lahab angrily retorted: "O Muḥammad! Abū Ṭālib is your uncle and so am I. You helped him. But why did you not come to my rescue? By God! There will be no love for you in my heart ever."

Balādhurī has recorded this trivial incident. It is a psychological fact that sensitive persons can react strongly to apparently small things which leave a lasting effect on them. This was possibly the reason why Abū Lahab developed an intense enmity to his nephew and all that he stood for. He is considered one of the most inveterate enemies of Islam.

As a result of these early efforts at propagation, news spread in the whole city that Muḥammad (peace be upon him) claimed to be a Prophet and condemned the ancestral religion as false and misleading. He was opposed to everything people believed in. Hatred against the Prophet (peace be upon him) became more virulent until city fathers and the local government forbade him to pray in his own peculiar way in front of the Ka'bah. He then began to pray either in his own house or away from the city in an open desert. Unbelievers, however, did not relent in their opposition. They would come to see him and engage him in a discussion in order to ridicule him.

His uncle Abū Lahab was the ring leader of the party. When he came to know that the Prophet (peace be upon him) prayed in the Ka'bah late at night under cover of darkness, he collected thorny branches from the trees and scattered them all over the path. He also used to pile heaps of filth at the threshold of the Prophet's house. Obstructions notwithstanding, the Prophet (peace be upon him) persevered in his efforts at propagating the faith. But soon he had to face another problem. The people of Makkah encouraged street urchins to pursue the Prophet (peace be upon him) and pelt stones at him. Whenever this happened, according to Maqrīzī, he would take refuge in the house of Abū Sufyān if he happened to be near it. Even though he was not a Muslim, Abū Sufyān always protected the Prophet (peace be upon him) against the vagabonds, reprimanded them and made them run away. The Prophet (peace be upon him) would then safely return to his house.

After having mentioned this incident Maqrīzī refers to a later incident. At the eve of the conquest of Makkah there was a crier at the head of every contingent. The crier, while passing through the streets of the city, shouted aloud that everyone who laid down arms would be safe, everyone who remained indoors would be safe, everyone who sought refuge in the Ka‘bah would be safe, and everyone who went to the house of Abū Sufyān would also be safe. Maqrīzī suggests that this distinction was conferred on Abū Sufyān because, before Migration, he used to protect the Prophet (peace be upon him) from nasty scoundrels in the streets of Makkah.

DELEGATION TO THE NEGUS

The campaign of propagation continued for four or five years. The persecution by the pagans became so intense during this period that it became impossible for Muslims to remain in the country. Some of them, therefore, left for Abyssinia on the advice of the Prophet (peace be upon him) who told them that the Christian king there was kind and tolerant. Since there was freedom of religion in Abyssinia, the emigrants from Makkah also began to preach their own religion with the result that within a few years some forty Abyssinians embraced Islam.

But there were difficulties as well. The pagans of Makkah sent a delegation to the Negus and they demanded that their compatriots from Makkah should be handed over to them. They wanted to take the Muslims back with them to renew the process of persecution. But the Negus did not make an arbitrary decision. He sent for the Muslims and told them that it was alleged that they were renegades from Makkah from where they had fled in order to escape punishment for crimes they had committed there. Ja‘far al-Ṭayyār, the first cousin of the Prophet (peace be upon him), spoke on behalf of the Muslims from Makkah. Before we deal with his speech we should like to offer a personal inference which is not mentioned in historical works.

Among the letters of the Prophet (peace be upon him) we have one which is addressed to the Negus. It says: "I am sending my cousin Ja‘far to you. Offer hospitality to him and his companions on arrival. Treat them well and do not be stubborn in this regard." Ṭabarī has included this letter among the events of 7 AH. It is possible that it was given to Ja‘far al-Ṭayyār as a letter of introduction and he delivered it to the Negus in the fifth year of prophethood. In 7 AH the Muslim emigrants to Abyssinia were already returning to Madinah after a stay of fifteen years. It would be meaningless, therefore, to present the letter of introduction at the time of departure for Madinah. Despite the silence of historians on this issue, it needs to be stated that the letter in question was carried by the first emigrants from Makkah to Abyssinia.

Incidentally, the Negus of Abysoinia, according to the historian Suhaylī, was once obliged to live in Arabia in order to escape from the clutches of his uncle who was a tyrant. He lived in Badr, a place where the Quraysh caravans halted on their way to and from Syria. It is quite possible that the Prophet (peace be upon him) who also travelled in these caravans might have met him personally in Badr.

Reverting to Ja'far's defence of Islam in the court of the Negus, he availed himself of the opportunity to dwell on the leading features of the faith. He also explained why Muslims were accused of disturbing law and order. He concluded his defence by quoting from the Qur'ān and read a few verses from *sūrah Maryam* in which it has been stated that with Divine command Mary gave birth to Jesus without a father. At hearing this, historians narrate, the Negus picked up a straw and said that Jesus was not a bit more than this (i.e. straw) and that whatever was narrated in the Qur'ānic verses was absolutely correct.

It is not known for certain whether the Negus accepted Islam but there are indications that he did. His conversion to Islam might have taken place later if not at the time of Ja'far's address because, according to Bukhārī, the Prophet (peace be upon him) led a funeral prayer in absentia when he received news in Madinah of the death of the Negus. It is obvious that he could not have offered such a prayer for an unbeliever. It is reasonable to presume, therefore, that the Negus had embraced Islam and that he had conveyed this information to the Prophet (peace be upon him).

The failure of the Makkan delegation to the Negus to obtain the expulsion of Muslims from Abyssinia provoked hostile reaction in Makkah where the persecution of Muslims was further intensified. Among other measures the Quraysh decided on a total boycott of the Prophet (peace be upon him) and his family. No one was allowed to have matrimonial relations with them; no one was to sell any merchandise to them. Even conversation was forbidden. This declaration was written on a parchment and hung in the Ka'bah. The Makkans were determined fully to observe it. The boycott continued for several years. A number of Muslims died in consequence owing to starvation. The Banū Hāshim suffered untold misery. The boycott, however, ended after all.

PERSECUTION AND VISIT TO ṬĀ'IF

When the Prophet (peace be upon him) returned to the city, he was deeply distressed to discover that people were not willing even to hear the word Islam. It was during this period that Abū Ṭālib died, and the other uncle, Abū Lahab, somehow managed to become head of the tribe. The first step he took was to ex-communicate the Prophet (peace be upon him) from the tribe which meant that his tribe would no longer seek the customary revenge if the Prophet (peace be upon him) was killed.

The shield of tribal protection was thus withdrawn. The action compelled the Prophet (peace be upon him) to leave the city and preach elsewhere. He selected Ṭā'if for this purpose. This was the city of his relatives from the mother's side. He went there with high hopes but he had to face more trouble in Ṭā'if than he had met in Makkah. The relatives discouraged him and asked the nephew to leave the city or else his life would not be safe there. The Prophet (peace be upon him) was obliged to leave.

As he came out of the city street urchins followed him and pelted stones at him at the instigation of the elders. The Prophet (peace be upon him) was wounded. Outside the city he saw an orchard at whose gate stood a guard. With his permission he entered the orchard. The guard was a kind-hearted Christian. He scared away the urchins and offered hospitality to the visitor with the permission of his master who was a resident of Makkah. He offered the Prophet (peace be upon him) a bunch of grapes.

An incident then took place. It could be considered an indirect way of propagation. The Prophet (peace be upon him) began to eat grapes after pronouncing *Bismillāh* ("in the name of Allah"). The guard was taken aback and asked about the formula with which he was not familiar. The visitor told him that he was a Prophet (peace be upon him) and God had commanded him to begin everything with His name. He then asked the guard about his identity. He disclosed that he was a Christian originally from Ninevah (now Mosul) and that he was a slave. The Prophet (peace be upon him) remarked that the guard was resident of a town in which his brother Prophet Yūnus (Jonah) used to live. At this the Christian spontaneously kissed the feet of the Prophet (peace be upon him) and asked him how he knew that Yūnus used to live there.

FIRST RAY OF HOPE

The Prophet (peace be upon him) then left for Makkah. At some distance from the orchard he felt somewhat tired and stopped there. The night had fallen. He began to pray and concluded with a prayer which is so powerful and poignant that it leaves a deep impression on one's mind even today. It was something to this effect: "O Allah! I beseech You in my helplessness. People find me weak. But You alone are the Lord of the oppressed. O my God! What should I do? Distant relations are treating me with disdain. Near relations have become my enemies. Still I am not daunted if only I know that You are not angry with me. I seek safety and refuge in You and Your pleasure alone I crave for. From You alone I seek strength and power to pursue the cause." Such was the resolve and determination of the Prophet (peace be upon him) to do his duty despite all difficulties, dangers and obstacles in his way.

It was a Divine test. The Prophet (peace be upon him) came out of it triumphant. "A hundred thousand stars bleed for the sake of a dawn", says Muḥammad Iqbal. The Prophet (peace be upon him) had barely finished his prayer when signs of its acceptance already began to appear. The prayer had been answered. An important event occurred. The Prophet (peace be upon him) received the revelation which began with the words: "Say: It has been revealed to me that a company of the *jinn* listened, and they said: 'Truly we have heard a Qur'ān that is wonderful'" (72:1).

The Prophet (peace be upon him) neither saw nor felt the presence of the *jinn*. He became aware of them only when God gave him the news. This meant that he was a Prophet (peace be upon him) not only for mankind but for the *jinn* as well. If men were rejecting his message, at least jinn were responding to him. This was the first ray of hope he saw in a dismal state of deep disappointment.

Slowly the Prophet (peace be upon him) began to walk back to Makkah. A new trouble awaited him there. After rejection by Abū Lahab and his departure from the city he had lost the nationality of Makkah. He could not, therefore, enter the city unless one of its inhabitants offered him asylum. He gave some money to a bedouin and asked him to go to a certain relative of his mother with a request for asylum. He returned with the message that the man in question had declined the request because he was a resident of Ṭā'if and not of Makkah, and could not, therefore, exercise the right. He gave some more money to the bedouin and sent him to a relative of his wife, Sawdah. He too declined. He then sent the same person to a relative of Khadījah. His response was positive. Along with his children and near relatives he came fully armed to the Prophet (peace be upon him) and took him to Makkah under his protection. In deference to the established, custom the Prophet (peace be upon him) had first to go round the Ka'bah before proceeding to his house. He performed the rites publicly and then went home.

Before his journey to Ṭā'if the Prophet (peace be upon him) had lost his uncle Abū Ṭālib and then his wife, Khadījah, the two pillars of support. It was in this state of grief that he had gone to Ṭā'if. On return to Makkah he lost his nationality and was treated as an alien in the protection of a citizen. Having been stripped of his civic rights he did not enjoy the freedom to participate in the political life of the city and could not, therefore, speak about his creed. God provided a solution to the impasse. According to the customary law of Makkah general amnesty was proclaimed during the period of pilgrimage. Even murderers and criminals who remained underground throughout the year came out in the open during the *Ḥajj* season and enjoyed freedom of movement. In view of the confirmed enmity of the Makkans to Islam, the Prophet (peace be upon him) thought of approaching pilgrims from other tribes who came to Makkah for the pilgrimage. He met with some success in this direction. According to Ibn Hishām, the Prophet (peace be upon him) approached at least fifteen tribes. He asked them to accept Islam which would make it possible for them to inherit the treasures of the Caesar and Chosroes but they did not respond. The sixteenth group which consisted of six persons from Madinaḥ was the only exception. The six looked at each other as if it was a visual consultation. After some initial hesitation they accepted the invitation to embrace Islam. This was the first Covenant of 'Aqabah.

FIRST COVENANT OF 'AQABAH

A large number of Jews at that time lived in Madinah. Whenever there was an altercation between the Arabs and the Jews the latter always warned Arabs of the advent of the last Prophet (peace be upon him) whom they would follow. And this, they said, would mean the extinction of Arabs. For all their men, women and children would then be put to the sword.

These men of Madinah to whom the Prophet (peace be upon him) was preaching in Makkah thought of pre-empting the Jews by being the first to embrace Islam. That is why they were exchanging glances as if they were talking through their eyes. All of them sincerely accepted Islam. On return to Madinah they began to preach it to others with some success. A year later twelve new converts came to Makkah during the month of *Dhū al-Ḥijjah* and took the oath at the hands of the Prophet (peace be upon him) at ‘Aqabah.

After this we come across a few interesting events. The Prophet (peace be upon him) nominated the twelve men who belonged to different tribes as his representatives among their respective people. And he named one of them as the chief. This step is indicative of his preference for discipline and his awareness of the need to create a system with a central administration.

His act of nomination demonstrated that the people nominated by him could also be removed by him and were, therefore, subordinate to him. They were bound to carry out his orders. The nominees requested for a teacher who could accompany them to Madinah and help spread the message. The Prophet (peace be upon him) sent Muṣ‘ab ibn ‘Umayr, an extremely sincere Muslim, who had a good idea of the psychology of people. He was eminently suitable for the purpose in view. It is recorded that he scored a spectacular success in converting a large number of people including the most unsophisticated lot. An interesting case might be mentioned in this connection.

EXAMPLES OF PROPAGATION

Muṣ‘ab was once preaching to a crowd of slaves — men, women and children — in an orchard. The owner did not like it. He sent a servant to take him to task for trespass and throw him out of the orchard. The man had already become a Muslim. He made an excuse and returned to tell the master that the intruder was adamant and suggested that he should personally proceed to expel him.

In fact he had wanted that the master should listen to the preacher who charmed everyone into embracing Islam through the power of eloquence and the magic of his speech. The master came arrogantly flying his spear in the air and threatened to kill the preacher if he did not immediately leave the premises. Instead of being scared, Muṣ‘ab welcomed him with a smile and said: "Allow me to ask a question: Why do you want to turn me out without finding out, in the first instance, what I am trying to say? Would it not be more appropriate if you were to listen to what I am saying and then you have an absolute right to throw me out." The man stuck his spear into the ground and sat down, and asked Muṣ‘ab to proceed with his speech. He began as usual with the recitation of a verse from the Qur’ān. It had a soothing effect.

Instead of anger and resentment, signs of calm and a new consciousness began to appear on his face. Before the recitation was over he got up and asked how he could become a Muslim. Then he affirmed God’s unity and Muḥammad’s Messengership and became a believer. He got up flying his spear in the air and went to his house. There he asked the entire household — women, children and slaves — together round him. He asked them who he was and they replied that he was their leader, the most wise of all. Then he ordered all of them to become Muslims or else he would be their sworn enemy. The whole family embraced Islam.

Obviously with the conversion of the leader it becomes relatively easy to convert those subordinate to him. We come across various ways of propagation of Islam. This is one of them. There are many instances in the life of the Prophet (peace be upon him) which show how he propagated Islam, but we will cite just a few and then conclude.

A stranger once came to the Prophet (peace be upon him) and was treated as a guest. He was given food to eat and a room to sleep in. He was in fact an enemy and had come with bad intentions. Early in the morning he relieved himself in the bed and left before anyone woke up. When the Prophet (peace be upon him) went to his room in the morning he saw the muck and started washing the bed with his own hands. He noticed that the guest had inadvertently left his sword behind.

The stranger missed the sword after he had covered some distance and returned to recover it. He had thought that people would still be asleep and that he would quickly make away with the sword. But he saw the Prophet (peace be upon him) cleaning his bed with his own hands. Instead of cursing or threatening him the Prophet (peace be upon him) softly stated that he had forgotten his sword and could take it away. As a result of this treatment the stranger spontaneously said: "I bear witness that there is no God but Allah and I bear witness that Muḥammad is the Messenger of Allah." So saying he embraced Islam.

There is another incident. The Prophet (peace be upon him) was leading a military expedition. The enemy fled on receiving the news. They were not able to go very far because the area was hilly and had to seek safety in a narrow pass or a valley. The head of the tribe climbed up the hill to survey the field. It rained that day with the result that the Prophet (peace be upon him) and his Companions were dispersed. The Prophet (peace be upon him) lay down alone under a tree. He hung his shirt on a branch of the tree so that it would dry up. The enemy spotting him alone confronted him. Drawing his sword he shouted: "Who will save you from me, O Muḥammad?" The Prophet (peace be upon him) was perfectly calm. "Allah"! he replied. The enemy was so overwhelmed with the monosyllable that his hand began to shake and the sword fell on the ground. The Prophet (peace be upon him) picked it up and asked: "Who will save you now from me?" The enemy replied: "Nobody". The Prophet (peace be upon him) returned his sword and forgave him. The result was that the enemy immediately recited the formula affirming God's unity and Muḥammad's Messengership and embraced Islam. He returned to his tribe to preach it to others.

There is also that famous incident after the conquest of Makkah when the Prophet (peace be upon him) proclaimed general amnesty for all. The result was the overnight conversion of the entire population of Makkah. These were the means he adopted to propagate Islam. The result is known to all.

SUCCESS ACHIEVED BY THE PROPHET

A comparative study of the number of people converted by different Prophets would reveal the extraordinary success achieved by the Muḥammad (peace be upon him). Judging from relevant details on the subject in the Bible the maximum number of converts at the hands of Jesus did not exceed forty.

It is said of Moses that his people whose number, according to the Bible, was half a million, lent him full support but it was confined only to securing freedom from the tyranny of the Pharaoh. The number of true converts was almost cipher. After the exodus from Egypt, Moses asked his followers to capture Palestine, a gift promised them by God. They refused on the plea that they could not fight tyrants. If God had made the promise, they said, "Go thou and thy Lord and fight, and here we sit!" (5:24). In other words, the whole community disobeyed and refused resolutely to carry out the Divine command. There were only two exceptions, one was Hārūn, the brother of Moses, and the other was his servant who later became a Prophet i.e. Joshua. Except for the two not a soul followed Moses.

Jesus had twelve faithful disciples. Of these St. Peter was one. His grave is in the Vatican in Italy. Of him Jesus says in the Bible: "Go! O

Satan"! This indictment must be due to some action of his. Another disciple was Yahuda who turned apostate. He betrayed Jesus to the authorities who were looking for him. As against this performance the number of people who embraced Islam at the hands of the Prophet (peace be upon him) is legion.

We do not have the exact figures but an approximate assessment is possible. At the time of the Farewell Pilgrimage, historians reckon a crowd of 140,000 in the plain of 'Arāfat. And *Ḥajj* is not an obligation which everyone has to discharge every year. It is obvious that all the Muslims had not collected there. Assuming that one out of every five performed *Ḥajj* the total would work out at over half a million. The figure compares fairly favourably with the total of forty converts to Christianity during the life of Jesus.

Moreover, the incidence of apostasy in the history of Islam has been very rare. We come across only one or two cases of this nature during the life of the Prophet (peace be upon him). But strictly speaking, the people concerned were hypocrites rather than Muslims. They had put on the mask of Islam with a view to subvert it from within. It is only when they failed to achieve their objective that they openly declared their disbelief.

POLICY TOWARDS NON-MUSLIMS

Let us conclude with a brief account of the policy and attitude of Islam towards non-Muslims. Everyone is familiar with the principle propounded in the Qur'ānic verses: "There should be no compulsion in religion" (2:256). "Thy duty is only to convey the Message" (42:48). Compulsion is thus ruled out for the purpose of propagation of Islam. The duty of the Prophet (peace be upon him) is merely to communicate and propagate the Message. The result is in the Hand of God. Of the period of the Prophet (peace be upon him) and the regime of his Rightly-Guided Caliphs it can be said without any fear of contradiction that no one was ever converted through compulsion.

The Qur'ān lays down a unique principle in regard to the treatment of non-Muslims. It grants complete autonomy to every religious community which enjoys not only freedom of faith and worship in its own way but is free to follow its own laws and decide cases through its own judges. The concept of complete internal autonomy has been advanced in a number of Qur'ānic verses, one of which is extremely clear: "And let the People of the Gospel judge according to what Allah has revealed therein" (5:47).

This means that Christians should judge according to the laws given by God in the Bible. In deference to this principle, every religious community was granted complete autonomy during the regime of the Prophet (peace be upon him). They enjoyed as much freedom in respect of their religion, worship and legal matters as did any Muslim. A little later a new development took place. It was made incumbent on every Muslim to participate in *jihād* but non-Muslims were exempted from this duty for the simple reason that they could not be compelled to wage a war for the sake of Islam. Muslims defended the frontiers of the state and laid down their lives for it but non-Muslim subjects of the state enjoyed the fruits of peace, safety and security. They only paid a small price for this enviable privilege, by way of a tax called *jizyah*. This was not an innovation of Islam. It was the legacy of Iran where those who did not discharge military duty had to pay this tax. Islam inherited the institution from Iran. The tax on non-Muslim subjects was very light. It was equivalent to ten days' food in a year — a small price to pay for being guaranteed full protection as a citizen and exemption from military duties.

No discrimination was exercised against non-Muslims on the basis of religion. In 2 AH, after the Muslim victory in the Battle of Badr, Makkans sent yet another delegation to the Negus with a view to seek the repatriation of Muslims from Abyssinia so that they could be persecuted at home. To counter the move, the Prophet (peace be upon him) sent a non-Muslim, 'Amr ibn Umayyah al-Ḍumrī, as his ambassador to the court of the Negus.

The attitude of the Prophet (peace be upon him) towards his Jewish neighbours was kind and cordial. He always visited their homes to enquire after the health of their sick children. There was a Jewish tribe by the name of Banū 'Arīḍ in Madinah. The Prophet (peace be upon him) had been pleased with them for some reason and had fixed an annual stipend for them. Whenever the funeral of a Jew passed by in a street the Prophet (peace be upon him) always stood up as a mark of sympathy.

The attitude of Muslims towards their non-Muslim compatriots was one of kindness, consideration and extreme tolerance. They reciprocated the generous treatment with their trust and loyalty. A civil war started in the Muslim state during the Caliphate of 'Uthmān and continued down the ages but never once did non-Muslim subjects raise a standard of revolt. They sided neither with one nor the other party. They always remained neutral and never took advantage of the situation. The thought of betrayal or revolt never crossed their mind. The ruler of Byzantium strongly urged the Christian subjects of Islam to rise in revolt while a civil war was raging between 'Alī and Mu'āwiyah. He promised to liberate them by attacking Muslims, but he did not succeed in provoking a rebellion. The efforts continued down the ages until the Crusades but the Christian subjects of Islam always responded by saying that they preferred the pagan rulers (i.e. the Muslims) to their co-religionists.

The reason for this loyalty was the fact that Muslims never compelled Christians to abandon their religion. They enjoyed complete religious freedom. Their religious institutions received aid and assistance from Muslims. We have an authentic original document belonging to the period of 'Umar in which a Christian gives the good news to his co-religionists in another city saying that a new nation had taken over as their ruler but it did not indulge in tyranny. On the contrary it protected their churches and gave financial aid to their converts.

QUESTIONS AND ANSWERS

Question

According to your statement the number of followers of the Prophet (peace be upon him) during his life-time was considerably more than those of Jesus Christ during his own life-time. How is it that the same ratio does not obtain in modern times?

Answer

There can be two answers. One relates to the course of nature and the other to ourselves. We refer to the course of nature because there is a gap of six centuries between the departure of Christ from the earth and the birth of the Prophet (peace be upon him). Christians have an advantage, therefore, of six hundred years over us. God willing, our situation after six hundred years will not be the same as today. The ratio of Christians in the world today is not the same as it was at the time of the advent of the Prophet (peace be upon him). Millions of them have since become Muslims.

But more than this, we ourselves are to blame for the state of affairs today. Christian missionaries are engaged in spreading the Gospel with great devotion, dedication and enthusiasm. They are visible in every corner of the globe. They brave the cold of the north and south poles, they suffer the heat of the tropics, but they steadfastly perform their duty. We are not making one-tenth of the effort in propagating Islam. How, then, can we expect our numbers to exceed those of the Christians? Despite all this, we hold that it is not entirely correct to say that the number of Christians in the world today is much larger than that of Muslims. Even in Europe and America Islam is spreading fast.

Question

In the light of the conditions obtaining today, is it preferable to preach to Muslims or to non-Muslims? Kindly elaborate in view of your own experience.

Answer

I agree and I disagree. I agree in the sense that good conduct of Muslims will have a positive effect on non-Muslims. I disagree in the sense that we will have to wait until eternity if we want all of us to become good Muslims before we begin to preach to others. Both the tasks should be pursued simultaneously. We should try to make good Muslims out of Muslims and we should also try to preach the message of Islam to non-Muslims.

Question

The Orientalists claim that Muḥammad (peace be upon him) was a Prophet in Makkah but he became a king in Madinah. What do you think?

Answer

It is true that Muḥammad (peace be upon him) was a Prophet in Makkah and even his enemies do not deny this. I do not agree, however, that he was only a king in Madinah. He was both a Prophet and the head of a sovereign state. His original sphere of duties had enlarged. In other words, if the duty of a Prophet is to impart instructions about the ways of worship, and the reformation of beliefs, he discharged it from the day he was entrusted with the Mission in Makkah until the last day of his life in Madinah.

⁂

SELECT BIBLIOGRAPHY

The following is a select bibliography of the works of Dr. Muhammad Hamidullah.

FRENCH

———*Le Prophète de l’Islam, sa vie et son oeuvre*, Paris, 2 vols., 4th ed., 1979. Also in Turkish and Yougoslavic languages.

———*La Diplomatie musulmane a l’époque du Prophète et des Khalifes Orthodoxes*, 2 vols., Paris 1935.

———*Six originaux des lettres diplomatiques du Prophète de l’Islam*, Paris, 1986.

———*Le Saint Coran*, Paris, 13th ed. 1985.

———"La psychologie des grands ennemis du Prophète", *Revue des Études Islamiques*, Paris, 1965.

———"La philosophie juridique chez les Musulmans", in Annales *de la Faculté de droit*, Istanbul, Nos. 29-32, 1968.

———"Le chef de l’état musulman a l’époque du Prophète et ses califes", in *Monocratie*, Societe Jean Bodin, Bruxelles, 1970.

———"Le premier empire musulman du temps du Prophète et des ses trois successeurs", in *Grands Empires*, Société Jean Bodin, Bruxelles, 1973.

———"Sur la trace due Saint Prophète dans ses voyages en Arabie de l’Est", in *France-Islam*, Paris, Nos. 93-95, 1975.

———"Les voyages du Prophète avant l’Islam", in *Bulletin d’Études Orientales*, Damas, vol. 29, 1977 (Mélange Henri Laoust).

———"Le monde musulman devant l’économie moderne", in *Cahiers de l’Institut de science économique appliquée*, section "Humanité", Suppl. 120, Paris 1961.

———"Less liens entre la religion et le droit en Islam", in *Recherches et Debats du Centre Catholique des Intellectuels Francais*, Paris, cahier 51, 1965.

———"Le règne conjoint, la théorie et la pratique islamiques", in *Rivista deli Studi Orientali*, Rome, 1953.

———"Les Ahabish de la Mecque", in *Presentation Volume to Levi della Vida*, Rome, 1956.

———"al-Ilaf ou les rapports économico-diplomatiques de la Mecque pré-Islamique", in *Presentation Volume to Louis Massignon*, Damas-Paris, 1957.

———"L 'Histoire de l'usul al-fiqh chez les musulmans", in *Annales de la Faculté de droit*, Istanbul, Nos. 9-11, 1959.

———"La date de naissance du Prophète Muhammad", in *France-Islam*, Nos. 28-29, 1969, Paris.

———"Les villages arabes (surtout Médine) au temps du Prophète", in *Communautes rurales*, Société Jean Bodin, Bruxelles, 1982.

———"Document inèdit sur les débuts de l'Islam en Iran", in *Connaissance de l'Islam*, Paris, N 12, 1982.

———*Pourquoi jeuner?* Paris, 1984.

———*Le pélerinage*, Paris, 1984.

———*La symbolique en Islam*, éd. rev. Paris, 1987.

ENGLISH

———*Muslim Conduct of State*, 7th ed. Lahore, 1977. Also in Turkish.

———*The First Written Constitution in the World*, 3rd ed., Lahore, 1975.

———*Muhammad Rasullah*, Hyderabad-Deccan, 1974. Also in Turkish.

———*Introduction to Islam*, (in a dozen languages but, alas, not in Urdu).

———*The Battlefields of the Prophet*, 3rd ed., Hyderabad-Daccan, 1983. Also in Turkish, Persian and French.

———*The Prophet's Establishing a State and his Succession*, Hyderabad-Deccan, 1986.

———*Ṣaḥīfah Hammām ibn Munabbih*, Hyderabad-Deccan, rev. ed. 1979. Also in French.

———"The Nasī', the Hijrah Calendar and the Need of Preparing a New Concordance of the Hijrah and Gregorian Eras", in *Islamic Review*, Woking, February, 1969.

———"Administration of Justice under the Early Caliphate", in *Journal of Pakistan Historical Society*, January, 1971.

———"Constitutional Problems in Early Islam", in *Islam Tetkikleri Estitusu Dergisi, Istanbul University, 1973.*

———"The City-State of Mecca", in *Islamic Culture*, Hyderabad-Deccan, 1938.

———"Some Arabic Inscriptions of Madinah of the Early Years of Hijrah", in *Islamic Culture*, Hyderabad-Deccan, 1939.

———"The Friendly Relations of Islam with Christianity and how they deteriorated ", in *Journal of Pakistan Historical Society*, Karachi, 1953.

———"New Light on the Character of Abū Sufyān, the Companion of the Prophet", in *Islamic Literature*, Lahore, 1953.

———"Budgeting and Taxation in the Time of the Holy Prophet", in *Journal of Pakistan Historical Society*, Karachi, 1955, and *Islamic Review*, Woking, 1956.

———"Two Christians of Pre-Islamic Mecca, 'Uthmān ibn al-Ḥuwairith and Waraqah ibn Naufal", in *Journal of Pakistan Historical Society*, Karachi. 1958.

———"The Christian Monk Abū 'Āmir of Madina of the Time of the Holy Prophet", in *Journal of Pakistan Historical Society*, Karachi, 1959.

———"The Service of Worship: Why in Arabic Alone?" in *Islamic Review*, Woking, 1964.

GERMAN

———"Die Neutralität im islamichen Völkerrecht", in ZDMG, Berlin, 1935.

———"Theorie und Praxis des Völkerrechts im frühen Islam", in *Kairos*, Salzburg/Austria, 1963.

———"Die Bibel als eine Kononische Quelle des islamischen Rechts", in *Festschrift für Otto Spies*, Bonn, 1967.

———"Aesthetik und Kunst in der Lehre des Propheten", in *Proceedings of International Congress of Orientalists*, Munich, 1959.

ARABIC

— الوثائق السياسية للعهد النبوى والخلافة الراشدة ، الطبع الخامس، بيروت، ١٩٨٥م .

— هل للقانون الرومى تأثير على الفقه الاسلامى ؟ ، بيروت، ١٩٧٣م .

— التاريخ المقارن للقرآن الكريم والصحف السماوية الاخرى ، مجلة الامة ، القطر، ١٩٨٢م .

— الحجر الاسود يمين الله فى الارض ، مجلة الفكر الاسلامى ، بيروت ، اكتوبر ١٩٨٢م ، ص ٩٩ ـ ١٠١ .

— فتح الاندلس فى خلافة سيدنا عثمان ، اسلام تدقيقلرى انيس تى توسو درگيسى، جامعة استانبول ، ج ٧ ، ١٩٧٨م .

— المصادر الاسلامية لداروين فى نظريته عن أصل الانواع ، مجلة الدراسات الاسلامية ، اسلام آباد ، ج ١٦ ، ١٩٨١م .

— الاجتهاد فى عصر الصحابة ، أيضاً ١٩٨٤م .

— تدوين القرآن و تراجمه أيضاً ١٩٨٥م .

— أقدم آثار تدوين الحديث كتابة أيضاً ١٩٨٥م .

URDU

— عہد نبوی میں نظام حکمرانی ، طبع ثالث کراچی ١٩٨١ء

— رسول اکرم کی سیاسی زندگی ، طبع جدید کراچی ١٩٨٠ء

— رسول اکرم کے میدان جنگ ، طبع حیدرآباد دکن (نیز انگریزی، فرانسیسی، ترکی، اور فارسی ایڈیشن) انگریزی ایڈیشن تازہ تر ہے۔

— صحیفۂ ھمام بن منبہ (حدیث کا قدیم ترین مجموعہ اور تاریخ تدوین حدیث)، طبع حیدرآباد دکن (نیز عربی، انگریزی، فرانسیسی اور ترکی ایڈیشن) انگریزی تازہ تر ہے۔

— امام ابوحنیفہ کی تدوین قانون اسلامی، طبع سادس ، کراچی ١٩٨٣ء۔

— عہد نبوی کے واقعات کے لئے تقویمی پیچیدگیاں ، اورنٹیل کالج میگزین، لاھور ، اگست ١٩٦٤ء

- قانون بین الممالک کے اصول اور نظیریں ، طبع حیدرآباد دکن ۱۹۳٦ء
- قانون بین الممالک کی تازہ ترین ترقیاں، (مجلۂ طیلسانیین ، حیدرآباد دکن ۱۹۳۱ء) ۔
- اردو دائرہ معارف اسلامیہ ، مادہ ھائے بدر، بعثت، ثقیف، حدیبیہ، حلف الفضول، حنین، خط، خندق، خیبر ۔
- روزہ کیوں ؟ طبع حیدرآباد دکن ۱۹٦۹ء (نیز انگریزی، فرانسیسی اور ترکی ایڈیشن) فرانسیسی تازہ تر ہے ۔
- محمد رسول اللہ (نذیر حق کا انگریزی سے ترجمہ جس کی صحت کا میں ذمہ دار نہیں ھوں ۔ اصل انگریزی، مطبوعہ حیدرآباد دکن ، یا ترکی ایڈیشن بہتر ہے) ۔

* * *

INDEX

‘Abbās, 156, 168, 191, 236
‘Abbāsid, 73, 225
‘Abd Allāh (father of the Prophet), 5
‘Abd Allāh (father of Shifā’), 196
‘Abd Allāh ibn ‘Abbās, 74, 241, 250
‘Abd Allāh ibn Abī ‘Awf, 45
‘Abd Allāh ibn ‘Amr ibn al-‘Āṣ, 43, 44, 55-56, 202, 206, 223
‘Abd Allāh ibn Mas‘ūd, 71-72, 74
‘Abd Allāh ibn Salām, 116, 202, 206
‘Abd Allāh ibn Ubayy ibn Salūl, 158, 178
‘Abd Allāh ibn ‘Umar, 74, 199
‘Abd Allāh ibn al-Zubayr, 179
‘Abd al-Dār, 162, 168
‘Abd Manāf ibn Quṣayy, 154
‘Abd al-Muṭṭalib, 152, 156, 159, 196, 236
‘Abd Qays, 199
‘Abd al-Raḥmān ibn ‘Awf, 71
Abdur Rahim, Sir, 95
‘Abd al-Razzāq ibn Hammām, 53
Abraham, 3, 66, 83, 140-141, 152-154, 203
Abū ‘Āmir (al-Rāhib), 158, 180
Abū Ayyūb al-Anṣārī, 235-237
Abū Bakr, 10, 15-18, 44, 48-49, 54, 56, 68, 70, 82, 130, 156, 166, 168-169, 177, 180, 186, 190, 198, 222, 235, 243-244, 249, 252-253
Abu Dā’ūd, 26, 250
Abū Ḥanīfah, 72-74, 78-79, 86, 88-91, 94, 102-103, 111-113, 218, 223, 225
Abū Hurayrah, 46-48, 51, 53, 55, 56, 142, 178
Abū al-Ḥusayn al-Baṣrī, 90, 93-94
Abū Ja‘far al-Daybulī, 163
Abū Jahl, 156, 175, 222
Abū Lahab, 253-255, 258-259
Abū Mihjan al-Thaqafī, 100-101
Abū Mūsā al-Ash‘arī, 27, 69, 224
Abū Rāfi‘, 44
Abū Sa‘īd al-Khudrī, 47
Abū Sufyān, 123, 156, 174-175, 180-183, 185, 191, 193, 195, 255-256
Abū Ṭālib, 156, 253-255, 258, 260
Abū ‘Ubaydah ibn al-Jarrāh, 167
Abū ‘Ubayd al-Qāsim ibn Sallām, 207, 233
Abū Ya‘lā al-Farrā’ al-Ḥanbalī, 241-242
Abū al-Yasār al-Bazdawī, 221
Abū Yūsuf, 71, 74, 78, 90-91, 111, 198, 225, 233, 241, 243
Abyssinia, 36, 55, 152, 162-163, 169, 256-257, 265
Abyssinian, 55, 152, 162, 169-170, 256
Adam, 3, 8, 65-67, 76, 127-128, 140, 144, 153-154, 203
Adhān, 117, 192
Afghan, 27
Africa, 62, 71, 98, 151, 243
African, 152
Aḥābīsh, 186, 189
Aḥmad, 25,
al-Aḥkām al-Sulṭāniyyah, 241
Aḥmad ibn Ḥanbal, 3, 26, 53, 74
‘Ā’ishah, 26-27, 45, 48, 130, 158, 169, 190, 236-237
Akhnūkh, 3
al-‘Alaq, Sūrah, 10-11, 14, 64, 212, 252
Alexandria, 137
Ali Akbar Topchi Bashi, 20
‘Ali ibn Abī Ṭālib, 48-49, 54, 70, 74, 82, 87, 167, 253, 266
Allāh, 3, 24, 28-29, 31, 33, 56-57, 61, 65-66, 86, 96, 117, 122, 126-127, 138, 146-147, 153, 165-166, 168, 180, 185, 193, 208, 226-227, 231, 233-234, 238, 240, 246, 254, 258, 262-264
‘Alqamah al-Nakha‘ī, 72

America, 21, 80, 267
American, 120
Āminah, 5
Amīr al-Mu'minīn, 228
'Āmir ibn Fahīrah, 37, 198
'Amr ibn al-'Āṣ, 223, 231
'Amr ibn Ḥazm, 69, 163, 201, 203
'Amr ibn Shu'ayb ibn 'Abd Allāh ibn 'Amr ibn al-'Āṣ, 44
'Amr ibn Umayyah al-Ḍamrī, 163, 265
al-An'ām, Sūrah, 65, 213, 234
Anas ibn Mālik, 40, 44, 93-94
Andalusia, 243
Angora Reform, 85
Ansāb al-Ashrāf, 29, 252, 254
Anṣār, 16, 26, 39, 198, 200, 237, 278
Antiochus, 6
'Aqabah al-, 13, 200, 206-207, 260-261
Arab(s), 9, 39-40, 69, 77, 87-88, 113, 120, 139, 142, 151, 153-154, 163, 165, 182, 203, 245-246, 260-261
Arabia, Arabian, 50-51, 55, 62, 105, 151-152, 154-155, 184, 221-222, 257
Arabic, 7-9, 19, 23, 28-29, 55, 62, 98, 110, 120, 128-129, 138, 144-145, 153, 185, 195-196, 202, 252
'Arḍah, 14, 16
'Arafāt, 139-140, 264
Aramaic, 21, 43, 53
Armenia, 18
Aryan(s), 134
As'ad ibn Zurārah, 157-158, 207
Ash'arī (school), 74
Asia, Asian, 62, 71, 98, 106, 151, 243
Astrologers, 208
Astrology, 208
Astronomers, 208
Ataturk, Mustafa Kamal, 85
Athens, 151
'Attāb ibn Usayd, 192
Aurangzīb 'Ālamgīr, 63, 113
Avesta, 4, 7
Aws, 39-40, 157-159, 198, 206
Awzā'ī al-, 73, 91, 111-112
Babylon, 245
Babylonia, 203
Babylonians, 245
Bayḍāwī, al-, 94
Badr, Battle of, 26, 56, 163, 168, 173-178, 180, 188, 193, 200, 214, 238, 257, 265
Badraqah, 155
Bahawalpur, 52, 80, 115
Bait-El, 153
Bakr, 244
Balādhurī al-, 29, 195, 200, 243, 252, 254-255
Bangladesh, 250
Banū 'Arīḍ, 265
Banū Hāshim, 13, 156, 238, 258
Banū Kanānah, 119
Banū Khuzā'ah, 119, 189-190
Banū Muṭṭalib, 238
Banū Naḍīr, 123, 181, 183, 188
Banū Najjār, 159, 198, 207, 235-237
Banū Qaynuqā', 123, 181
Banū Qurayẓah, 123, 183-184
Banū Umayyah, 186
Banū Zarīq, 14, 200, 207
al-Baqarah, Sūrah, 26
Barelavī, 208
Bazdawī al-, 97, 221
Beirut, 29, 121
Benares, 203
Berbers, 71, 244
Bible, 6, 21-22, 25, 28-29, 43, 77, 135, 137, 157, 201, 211, 213, 252, 265
Bilāl, 117, 161, 164, 169, 192
Biblical, 153, 226
Bilqīs, 79
Biology, 204
al-Biqā'ī, 28-29
Bi'r Ma'ūnah, 27
Black Stone, 139
Book of Genesis, 5
Botany, 204
Brahmin, 71, 132
British India, 115, 120-121, 128
Bu'āth, Battle of, 157-158
Buddha, 34, 203
Buddhism, Buddhist, 34, 132, 203, 244

Bukhārī al-, 14, 18, 27-29, 37, 40, 45, 47, 51, 53-54, 57-58, 87, 93, 102, 125, 142, 159, 190, 197, 213, 236, 252, 257

Buṣrā, 205

Byzantine, 65, 121, 165, 191

Byzantium, 65, 266

Caesar, 43, 154, 191, 260

Cairo, 21

Caliph, 15, 18, 65, 70-71, 74, 196, 199, 213, 218, 223-225, 228-230, 241-243, 250, 253

Caliphate, 49, 71, 82, 197, 225, 235, 241, 244, 265

Capitalist, 59

Chaucer, 8

China, 195, 243

Chinese, 84

Chosroes, 43, 154, 260

Christ, 7, 53, 66, 135, 147, 203, 216, 266

Christian(s), 4, 7-8, 10, 21, 23, 36, 39, 66-67, 107-108, 120, 122, 126-127, 134-135, 137-138, 146, 152, 154, 158, 167, 201, 208, 216, 226, 243-245, 252, 256, 258, 265-267

Christinaity, 144, 208, 252, 264

Church (Catholic and Orthodox), 135, 167

City state, 154, 160, 168, 172

Colinet, 62

Commonwealth of Islam, 202

Companion(s) [of the Prophet], 12, 14-16, 18, 32, 35-37, 40, 43, 45-51, 53, 56, 68, 71-72, 74, 93, 125-126, 129-131, 139, 142, 163, 174-175, 182, 190-191, 198-199, 204, 212, 215, 218, 223, 237, 241, 250, 256, 263

Consensus, 75, 218, 220, 230

Copt. 236

Coptic, 202

Count Ostrorog, 85

Crusade(s), 266

Daff, 169

Ḍaḥḥāk, 69

Damascus, 20, 111, 250

Dār al-Nadwah, 155

Darwin, 143-144

Dā'ūd al-Ẓāhirī, 74

David, 6, 79, 82, 137

Day of Resurrection, 64, 131, 227

Dead Sea, 3

Deccan, 111-112

Democracy, 82, 228-229

Deobandī, 208

Deuteronomy, 5-6

Dhū al-Ḥijjah, 182, 246

Dhū al-Kifl, 203

Dhū al-Qa'dah, 182

Dirham, 49, 155, 165-166

Ditch, Battle of (see Khandaq), 181, 184

Doomsday, 217

Egypt, 5, 84, 90, 113, 120, 173, 197, 203, 263

Emigrants, 38, 42, 171, 188, 256, 257

England, 21, 82

English, 8, 85, 120, 138

Enoch, 3, 154

Erzerum, 19

Esdra, 6

Europe, 62-63, 71, 95, 98, 106-107, 151, 154, 243, 267

European, 85, 92, 95, 105, 136,

Evangel, 5, 7

Eve, 140

Exodus, 5

Farewell Pilgrimage, 37, 169, 264

Fārqalīt, 25

Fasts, 151

Fātāwā-i 'Ālamgīrī, 62, 113

al-Fātiḥah, Sūrah, 135

Fāṭimah, 13, 236

Fāṭimī, 74, 113

al-Fawz al-Aṣghar, 144

Fay', 238

Fiqh, 62, 73, 90, 120

al-Fihrist, 196

Fī sabīl Allāh, 243

France, 142, 226, 243

French, 7, 85, 113, 120, 226
  —— law, 226
  —— Nun, 205

Fuqarā', 241

Furū', 84

Futūḥ al-Buldān, 195

Gabriel, 9, 11, 15, 29, 126, 134, 141, 251-252, 254
Gaius, 62
Ganges, 138
Genealogy, 205
Geneva, 122
Geoffey, Dr., 136
German, 58, 120, 128, 208, 226
Germany, 21, 38
Ghārimīn al-, 238, 240, 242
Ghazālī al-, 170, 217
Gīlānī, Manāẓir Aḥsan, 203
God, 4-10, 17, 21, 23-24, 28, 30-33, 35, 49-50, 53, 55-58, 61, 63-64, 66, 67, 71, 74-75, 78-79, 81-86, 96, 99, 101, 110, 117-118, 125-128, 131-135, 138, 140-145, 152-154, 162, 165-166, 168, 170, 176-177, 180, 184, 192-194, 205, 208-209, 211, 213-215, 217, 219, 221, 226-227, 229, 231, 234, 240, 242, 249-250, 252-255, 258-260, 262-266
Goldziher, 58
Gospel(s), 7, 53-54, 203, 264, 266
Greece, 105
Greek(s), 10-11, 21, 25, 53, 62, 84, 105-106, 118, 138, 151, 252
Gregorian calendar, 247
Gynecology, 204
Ḥadd, 59
Ḥadīth, 3, 9, 31-36, 41, 43-58, 60-62, 64-67, 69-70, 74-75, 79, 85-87, 89-92, 94-95, 97, 100, 102-103, 110, 112, 125, 132-133, 137, 139, 153, 170, 194, 209, 213-219, 225, 228, 230-231, 239
Hidāyah, 225
Ḥafṣah, 18
Hagar, 139-140, 152
Ḥajj (see also Pilgrimage), 154, 183, 246, 260, 264
Ḥājjah Ṭāhirah, 205
Ḥājjāj ibn Yūsuf, 197
Ḥammād ibn Abī Sulaymān, 72
Hammām ibn Manabbih, 47, 53
Hamurabi, 83-84
Ḥanafī, 54, 78-79, 90, 96-97, 103, 110, 112-113, 220, 225, 230
Ḥamzah, 180, 193
Ḥanbalī, 54, 110, 113
Ḥanẓalah, 180
Harb, 195
Hārūn, 264
Ḥasan ibn ʻAmr ibn Umayyah al-Ḍamrī, 46, 163, 265
Hebrew, 202
Hell, 254
Hereafter, 64, 151
Ḥijāz, 154
Hijrah, 20, 38, 57, 97, 112, 144, 217 (see also Migration)
Ḥilf al-Fuḍūl, 222
Hind, 193
Hindus, 4, 29, 84, 115, 118, 132, 134, 137-138, 146, 244
Ḥirā', Cave of, 9, 212, 251
Ḥīrah, 87, 195-196
History of the Saracens, 116
Hubal, 180
Ḥudaybiyah, 119, 168, 186-187, 189, 218
Ḥudhayfah ibn al-Yamān, 18, 190
Huldah, 5
Ḥusayn, 72, 109
Hyderabad, 111-112, 115
Ibn al-Athīr, 197
Ibn Ḥajar, 45, 111, 196
Ibn Hishām, 11, 260
Ibn Ishāq, 11, 25
Ibn Khallikān, 90
Ibn Mājah, 137
Ibn Miskawayh, 144
Ibn al-Muqaffaʻ, 223-224
Ibn al-Nadīm, 196
Ibn Sīrīn, 86
Ibrāhīm al-Nakhaʻī, 72
Ibrahīm al-Fazārī, 90, 111-113
ʻĪd, 169, 249-250
Idrīs, 3, 7, 154
Iḥyā' ʻUlūm al-Dīn, 170
Ijmāʻ, 65, 97, 97, 99, 102
Ijtihād, 56, 61, 65, 70, 83, 86-86, 92, 95, 97, 99, 101, 103, 218-219, 221, 231
Ikhwān al-Ṣafā, 144
ʻIkrimah ibn Abī Jahl, 179
India, 115, 134, 138, 154

Indian, 84, 95, 152
Infāq, 233
Injīl, 7, 66
Imām(s), 240
Iqbal, Muhammad, 259
Iran, 4, 71, 83, 120, 182, 265
Iraq, 3, 6, 18, 83, 87-88, 102-103, 173, 195
'Ishā' Prayer, 250
Islamic ——— countries, 228
——— judicial system, 222
——— law(s), 35, 62-64, 66, 69-70, 73-76, 78, 201, 211-214, 221, 223, 225-226, 247-248
——— state, 41-42, 224, 226
——— territory, 242
Ismā'īl, 139-140, 152-154
Israel, 203
Istanbul, 21, 90
Istidlāl, 95
Istiḥsān, 96, 219
Istislāh, 95, 219
Italian, 85, 120, 248
Italy, 90, 138, 264
Ithnā 'Ash'arī, 74
Jabal al-Rumāh, 178
Ja'far al-Ṣādiq, 78-79
Ja'far al-Ṭayyār, 36, 256-257
Ja'farī law, 79
Jāhiliyyah, 221
Jāmi', 53
Jamna, 138
Japan, 107
Jeddah, 186
Jehovah, 3
Jerusalem, 93, 205
Jesus, 7-8, 25, 126, 135, 137-138, 147, 203, 211, 257, 263-264, 266
Jew(s), 5-6, 9, 21, 23, 34, 39, 66, 108-109, 115-116, 118, 127, 134-135, 146-147, 154, 159-160, 171, 181, 183-184, 188, 201- 203, 213, 226, 238, 231, 243-245, 260, 265
Jewish, 4-6, 39, 77, 115-116, 118, 122, 177, 181, 183-184, 201, 248, 265
Jihād, 166, 194, 265
Jinn, 259
Jizyah, 71, 241, 244, 265
Jonah, 259
Joshua, 118, 264
Judaism, 206
Judiciary, 40, 157, 161, 163, 211, 222, 224, 226, 229
Jurisprudence, 61, 65, 72, 74, 78, 83, 231
Justinian, 62-63, 74
Ka'bah, 93, 138-139, 152-155, 168, 186, 191-192, 196, 253, 255-256, 260
Kabūl, 21
Kanānah, 198
Kapilvastu, 203
Karl Marx, 138
Kashmir, 115
Khadduri, Majid, 122
Khadījah, 10, 252-253, 260
Khandaq(see Ditch), 188
Khālid ibn al-Walīd, 71, 168, 179
Khashtari, 132
Khaṭīb al-Baghdādī, 196
Khawārij, 74, 110
Khaybar, 123, 181-182, 188-189
Khazraj, 39-40, 157-159, 198, 206
Khiqārah, 155
Khuzā'ah, 189-190
Kitāb al-Amwāl, 207, 233, 243
Kitāb al-Dimā', 110
Kitāb al-Kharāj, 195, 198, 233, 241, 243-244
Kitāb al-Mabsūṭ, 110, 112
Kitāb al-Ra'y, 90-91, 94
Kitāb al-Siyar, 91, 110-111, 113
Kitāb al-Siyar al-Kabīr, 91, 112, 115, 161
Kitāb al-Siyar al-Ṣaghīr, 91, 112
Kitāb al-Umm, 110
Kitāb al-Uṣūl, 90-91, 94
Kūfah, 71-72, 87-88, 111
Latin, 120
League of Nations, 107
Leningrad, 20, 122

Liwā’, 156
London, 138
Lunar
——— calender, 247
——— year, 245-246
Ma’ārib, 151
Ma’mūn al-, 196, 229
Ma‘rūf, 217
Madinah, 13-16, 18-19, 32, 36-43, 91, 93, 108-109, 115, 118-119, 155, 157-169, 171-174, 178-181, 183-185, 187-190, 192, 195-200, 202, 205-207, 218, 222-224, 233-238, 241, 243, 250, 256-257, 260-261, 265, 267
Madinan, 233
Magian(s), 4
al-Mā’idah, Sūrah, 213
Maikhi script, 83
Makkah, 19, 36-39, 42, 64-65, 85, 107-109, 116-119, 121, 123, 138-140, 152-157, 160, 164, 168, 171, 173-175, 178, 180-181, 183-193, 195, 197-198, 200, 203, 205, 212, 218, 222, 233-235, 238, 246, 251, 255-261, 263, 267
Makkan(s), 21, 36, 56, 116, 118-119, 155-156, 164, 173, 175, 178, 181-182, 184-190, 212, 218, 233, 253, 257, 260, 265
al-Maghāzī, 11
al-Majmū‘ fī al-Fiqh, 73, 109
Mālik, 29, 73-74, 91, 113
Mālikī, 74, 110, 113, 225
Ma‘mar ibn Rāshid, 53
Manṣūr al-, 74, 223-224
Maqrīzī al-, 163, 255-256
Marwah, 139-140
Mary 236, 257
Maryam, Sūrah, 204, 257
Mas‘ūdī al-, 161
Masākīn, 241
Muwaṭṭa’, 113
Messenger(s), 33, 61, 66, 185, 193-194, 231, 238
Mexico, 137
Migration (see also *Hijrah*), 36-37, 39, 44, 157-158, 165, 168, 171, 200, 205, 212, 233, 256
Milan, 90
Minā, 139, 141, 169
Mineralogy, 204
Morocco, 11, 228
Mosaic law, 177
Moses, 3, 5-6, 8-11, 66, 118, 128, 147, 203, 211-212, 214, 252, 263
Mosque(s), 162, 164-165, 198, 200, 205-207, 236, 243
Mosul, 258
Mount of Olive, 203
Mu‘ādh ibn Jabal, 61, 65, 67-68, 75, 85-87, 89, 95, 167, 198, 201, 218-219, 230
al-Maṣādir al-Islāmiyyah li Dārwīn-, 145
Mu‘āwiyah, 46, 82, 196-197, 250, 266
Muftī, 67-69, 168, 222, 231
Mughīrah ibn Shu‘bah, 45
Muhājirūn, 16
Muḥammad (peace be upon him), 4, 10, 13, 65-66, 85, 112-113, 115, 117, 125, 127, 147, 184-185, 192, 211, 217, 255, 262-263, 267
Muḥammad Ibn al-Ḥasan al-Shaybanī, 74, 78, 90-91, 111, 116, 161, 218
Muḥarram, 183
Mujtahid, 231
Mukhayrīq, 238
Munich, 22
Muṣ‘ab ibn ‘Umayr, 156, 168, 200
al-Mu‘tamad fī Uṣūl al-Fiqh, 90
Mu‘tazilah, 90-91, 93, 100, 217
Mu‘tazilī, Mu‘tazilites, 90, 225
Munkar, 217
Musannaf, 53
Musaylamah, 15
Musnad, 3, 26
Muṣ‘ab ibn ‘Umayr, 156, 168, 261-262
Muslim, Ṣaḥīḥ, 27, 36, 47, 87, 125, 197
Muṣṭafā al-A‘ẓamī, 47

Najd, 19, 123, 184-185
Najrān, 167
Nāmūs, 10
Nasī', 246
Nasīb, 233
Nawā'ib, 248-249
Naẓẓām, 100
Nebuchadnezzar, 6
Negus, 154, 163, 256-257, 265
New Testament, 3, 127, 216
Nimrod, 79, 83
Ninevah, 258
Noah, 3, 153-154
Nomos, 10-11, 252
North Africa, 71, 106, 113, 244
Numbers, 5
al-Nūr, Sūrah, 66, 213
Oceanology, 204
Old Testament, 6
Oppenheim, 106
Orientalist(s), 235, 267
Ottoman Empire, 107
Pakistan, 38, 79-80, 95, 98, 102, 115, 163, 250
Pakistani, 115
Palestine, 3, 5-6, 152-153, 198, 263
Palestinian, 198
Paris, 22-23, 27, 136,
Parliament, 79, 155, 225, 228
Parsis, 4, 71
Pazand, 4
People of the Book, 71-72, 241, 244
Persian(s), 55, 87, 102-103, 152, 202
Pharaoh, 79
Pilgrimage (seel also *Ḥajj*), 37, 151-152, 154, 169, 184, 186-187, 246, 260
Prilgrims, 155, 183, 260
Property tax, 248
Psalms, 6-7
Puranas, 4-5
Qāḍī(s), 69, 90, 219, 222-223, 225, 229, 231
Qādisiyyah, 100-101
Qasṭalānī, 18
Qiblah, 93, 204-205
Qiyās, 95, 97-98, 218
Qubā', 157, 159, 169, 198, 204, 235
Qudāmah ibn Ja'far, 195
Qudūrī, 225
Queen of Saba (see also Sheba), 79
Qur'ān, 3-4, 8-29, 31-34, 49, 57-58, 60-71, 74-75, 77, 79-81, 84-87, 90, 95, 97, 100, 109, 113, 118, 127-128, 130, 132-135, 137-138, 144-146, 151-152, 154, 165-166, 168, 170, 177, 187, 195-196, 199-209, 211-215, 217-220, 225-228, 230-231, 233-234, 238-240, 244, 249, 251, 257, 259, 262, 264
Qur'ānic, 31, 82, 101, 122, 138
——— evidence, 212
——— injunction(s) 71, 77, 207-208, 226, 244, 246
——— law, 214
——— orders, 240
——— text, 231
——— verse(s), 17, 82, 147 165, 203, 253, 257, 264
al-Quraysh, Sūrah, 154
Quraysh, 37-38, 156, 160, 168, 173-174, 177-179, 182-184, 186, 257
Rabbi, 248
al-Radd 'alā al-Istiḥsān, 96
al-Raḥmān, Sūrah, 24
Rajab, 183
Rak'ah(s), 33
Ramaḍān, 14-15, 34, 137, 237, 246, 250
Raqsh, 196
Rāyah, 156
Rāzī al-, 221
Red Indians, 84, 118, 137
Ribā, 81
Rightly-guided caliphate, 82
Rightly-guided Caliphs, 87, 264
Riyāḍ (Riyadh), 15
Roman(s), 6, 63, 84, 106-107, 118, 137
——— empire, 62
——— law, 62-63, 120-121
Rome, 62, 106, 151, 191
al-Rūḥ al-Amīn, 10
Ruqayyah, 236
Russia, 80, 107
Russian(s), 20

Sab'a Mu'allaqāt, 196
Sa'd ibn 'Ubādah, 45, 199, 237
Sa'd ibn Abī Waqqāṣ, 100-101
Sabaean(s), 3
Sabbath, 184
Ṣadaqāt, 233
Ṣadaqat al-fiṭr, 243
Ṣafā, 139-140
Ṣafiyyah, 236
Ṣaḥīfah, 53
Ṣaḥīḥ, 36-37, 40, 45, 47, 57, 190, 213, 236
Salmān al-Fārisī, 182
Samarqand, 20
Ṣamhūdī al-, 207
Samuel, 118
Samurah ibn Jundub, 45
San'ā', 152
Sanskrit, 23
Sarakhsī al-, 113-114, 188
al-Sibāq, Masjid, 163
Satan, 10, 197
Saudi Arabia, 142, 151
Sawdah, 187, 236, 260
Shifā' bint 'Abd Allāh, 196
Shāfi'ī al-, 54, 74, 91, 92-94, 96, 100, 110-111, 113, 225, 240
Sharī'ah, 58-59, 67, 77-78, 145, 208
Shawwāl, 34, 137, 182-184, 246
Sheba (see also Queen of Saba), 79, 118-119, 151
Shī'ah, 29, 50, 54
Shī'ī(s), 54-55, 110, 113-114
Shīth, 3
Shudra, 132
Ṣiḥāḥ Sittah, 49, 216
Sīn, 197
Sīnā, 203
Sinai, 203
Sind (see also Sindh), 244
Sindh (see also Sind), 71, 245
Sīrah, 36, 110, 113, 194
Risālah al-, 92-94
al-Risālah fī al-Ṣaḥābah, 223
Siyar al-Wāqidī, 113
Slave(s), 77, 198, 240, 242, 261-262
Slavery, 76-77
Soloman, 79, 82, 118-119, 151, 157
South Africa, 76
South Arabia, 151
Spain, 113
Springer, 128-130
St. Peter, 264
Ṣuffah al-, 162, 166, 197-200
Sufi, 71, 145
Suhayl ibn 'Amr, 187
Suhaylī, 257
Sunnah, 35, 61, 63-64, 85, 199, 213, 217-220
Sunnī(s), 29, 49, 54-55, 78, 93, 114
Surāqah ibn Mālik, 37, 198
Sus, 83
Swiss, 85
Syed Ameer Ali, 116
Syria, 18, 36, 173, 198, 218, 236, 243, 257
Ṭabaqāt, 242
Ṭabarī al-, 68, 167, 201, 241, 253, 256
Tabūk, 158, 165
Ṭā'if, 197, 221, 258-260
Tamerlane, 20
Tamīm al-Dārī, 36, 198
Taqrīr, 35
Tashqand, 20
Tawālī al-Ta'sīs, 111
al-Tawbah, Sūrah, 240
Thumāmah ibn Uthāl, 123, 184-185
al-Tīn, Sūrah, 203
Tirmidhī al-, 33, 43, 54
Titus, 6
Topkapi Museum, 21
Torah, 5-8, 11, 28-29, 34, 54, 57, 66, 116, 119, 134-135, 177, 201-203, 206, 211, 213, 226, 252
Tradition(s), 3, 13, 16, 23, 26-27, 30, 34, 44-49, 52-56, 65, 68, 74, 91, 93-94, 102-103, 125-126, 129-130, 137, 140, 141-142, 153, 195-197, 199, 200, 204, 206, 216-217, 234, 237
Tsar, 20-21
Turkestan, 20
Turkey, 62, 85, 120
Turkish, 85, 197
Turks, 94
'Ubayd al-Ghassānī, 196

Uḥud, Battle of, 16, 160, 178-181, 188, 193, 238
'Ukkāẓ, 221-222
'Ulamā', 56, 65, 78, 102, 208
'Ulūm al-dīn, 170
'Umar, 13, 15-18, 26-28, 44, 48-49, 56, 65, 70-72, 82, 87-88, 100-101, 130-131, 156, 161, 165-166, 168, 177, 180, 186, 196-197, 199, 206, 218, 225, 229, 241-245, 266
'Umar ibn 'Abd al-'Azīz, 242
'Umar Khayyām, 247
Umayyad(s), 20, 46, 72-73, 110

Umm al-Qurā, 138
Umm Waraqah, 16, 26-27,
Umm Salamah, 26-27
Ummah, 31-33, 61, 82, 102, 135-136, 212, 215, 219, 228
'Umrah, 186-187
United Nations, 76, 107, 122
University of Calcutta, 95
Upanishad(s), 4
Urdu, 4, 8, 10, 92, 98
Usāmah ibn Zayd ibn Ḥārithah, 99
'Ushr, 227, 247
Uṣūl al-Fiqh, 84, 97
'Uthmān, 18-21, 70-71, 165-166, 186-187, 243-244, 265
'Uzayr, 6
Vaisha, 132
Vatican, 138, 264
Vedas, 4
Voltaire, 7
Wāqidī al-, 91, 113, 182
Waraqah ibn Nawfal, 10-11, 252
West, 78
Worship, 64, 154, 176, 193, 199, 212, 226, 254
    ——— of graves, 50
Yahuda, 264
Yaḥyā ibn Ādam al-Qurashī, 233
Yamāmah, 15
Yāqūt, 225
Yazīd, 82
Yemen, 61, 68-69, 85, 87-88, 151-152, 154, 167, 173, 201-203, 218, 224, 228, 242
Yemeni, 72, 90
Yūnus, 258
Zabūr, 5-6
Zakāh, 163-165, 217, 227, 233-235, 238-245, 247-250
Zamzam, 42, 152, 154, 156
Zand, 4
Zayd ibn 'Alī, Zayn al-'Ābidīn, 72-74, 109-111
Zayd ibn Thābit, 16-19, 24, 47-48, 129, 202, 241, 253
Zaydi, 109
Zoroaster, 4, 127, 134
Zoroastrians, 127, 133-134, 244-245
Zoroastrianism, 4
Zufar, 91, 111
Zumrah, 163

* * * *

Corrigenda

Page No.	**Line No.**	**Incorrect**	**Correct**
15	18	Musaylimah	Musaylamah
28	29	al-Biqa'ī	al-Biqā'ī
29	4	As above	al-Biqā'ī
46	23	Ḍumrī	Ḍamrī
53	17, 32	Mu'ammar ibn Rāshid	Ma'mar ibn Rāshid
62	31	Fatāwāi	Fatawā-i
73	10	Zayn Ibn 'Alī	Zayd Ibn 'Alī
90	1	Abysonia	Abyssinia
91	19	Al-Shāfi'ī	al-Shāfi'ī
92	1	al-Shaafi'ī	al-Shāfi'ī
95	34	*istislāh*	*istiṣlāh*
100	29	Abū Maḥjan	Abū Miḥjan
101	12	Waqāṣ	Waqqāṣ
111	17	*Tawālī al-Tāsīs*	*Tawālī al-Ta'sīs*
113	11	al-Mawaṭṭa'	*al-Muwaṭṭa'*
113	26	Fatāwāi	Fatāwā-i
117	31, 34	Utāb Ibn Usayd	'Attāb Ibn Usayd
118	3	Utāb Ibn Usayd	'Attāb Ibn Usayd
123	9	Thumāmah ibn Athāl	Thumāmah ibn Uthāl
140	36	Sacrified	Sacrificed
141	11	in	is
145	13	*al-Dirāsat*	*al-Diṛāsāt*
156	19	Muṣa'b	Muṣ'ab
157	25	Asad	As'ad

163	1, 2	*al-Sibāq*	*al-Sibāq*
178	32	Jabal al-Uhāh	Jabal al-Rumāh
189	5	*Lā Islāh*	*Lā Iṣlāh*
192	10, 28	Utāb Ibn Usayd	‘Attāb Ibn Usayd
203	21	*Sūrah al-Ṭīn*	*Sūrah al-Tīn*
203	18	Kapalvasta	Kapilvastu
204	34	Qbā	Qubā
205	1	Jerusalan	Jerusalem
207	21	Abū Ubayd	Abū ‘Ubayd
207	5	Samhūdī	Ṣamhūdī
221	34	Tā’if	Ṭā’if
223	28	Ibn al-Muqqafa‘	Ibn al-Muqaffa‘
224	7	As above	Ibn al-Muqaffa‘
229	21	Mā’mūn	Ma’mūn
242	31	*ghārimtīn*	*ghārimīn*
246	19	Dhūl al-	Dhū al-
246	31	al-Ḥijah	al-Ḥijjah
257	1	Abysonia	Abyssinia

* * *

The *Emergence of Islam,* a free English rendering of twelve lectures delivered by Dr. Muhammad Hamidullah, attempts to highlight the basic thrust of Islamic teachings and to outline the formative period of Islam's intellectual and institutional history. The work, which is of equal significance for scholars and laymen, explains at some length the genesis and growth of Islamic thought, society and state, and of the institutions which were developed to translate Islamic norms into practice. The author has eminently succeeded in conveying a synthetic picture of Islam as it emerged in the early period of its history—as a religion, as a community, as a state, and as an intellectual tradition.

The present work, coming as it does from one of the best-known living Muslim scholars on Islam, is a major contribution to a better understanding of Islam and Muslims. The book is also well-timed since it appears at a stage of history when the world has shrunk into a global village; and when ignorance of the ideals by which one fifth of humanity lives, is not only an academic shortcoming, but a perilous anachronism.

Dr. Muhammad Hamidullah, one of the most eminent living scholars of Islam, was born in 1908 in Hyderabad, India. He obtained LL.B. and M.A. degrees from Osmania University, Hyderabad, and then doctoral degrees from the Universities of Bonn and Sorbonne. He taught for several years at the Osmania University and then worked for long as a researcher in Centre National de la Recherche Scientifique, Paris, and as a Visiting Professor in the University of Istanbul.

Dr. Hamidullah's translation of the Qur'ān and his voluminous biography of the Prophet (peace be upon him) won him renown in the French-speaking world. His *Muslim Conduct of State* is regarded as a standard work on Islamic International Law. In addition to a host of significant works and research papers in Arabic, Urdu, French and German, Dr. Hamidullah has edited several classical manuscripts of major academic significance.

Dr. Afzal Iqbal, who has rendered Dr. Hamidullah's lectures into English, is widely known as an experienced diplomat and scholar. *The Culture of Islam, Diplomacy in Early Islam, Contemporary Muslim World* and *The Life and Work of Rumi* are some of the many works which have made him known to the world of scholarship.

Printed at: Islamic Research Institute Press, Islamabad.